

Muriel Pinwick

ABSTRACT OF THESIS.

Upon the death of Eleanor of Castile on 28 November, 1290, a special commission was set up by the King - in deference to the queen's dying requests - to hear complaints against Eleanor's ministers and to redress any wrongs committed by them in her name. This **THE INQUIRY INTO COMPLAINTS AGAINST THE MINISTERS OF ELEANOR OF CASTILE, 1291-92: ITS ADMINISTRATIVE AND LEGAL SIGNIFICANCE.**

was held at three centres - Westminster, Bury St. Edmund's and Salisbury - and these places were possibly chosen because of their connection with the main blocks of the queen's lands.

The fact that some of the records of the Commissioners' reports at these three places have survived (P.R.O. assize rolls 542, 836, 101) makes possible a study of the inquiry.



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ABSTRACT OF THESIS.

Upon the death of Eleanor of Castile on 28 November, 1290, a special commission was set up by the king - in deference to the queen's dying requests - to hear complaints against Eleanor's ministers and to redress any wrongs committed by them in her name. This commission, under the presidency of Ralph of Ivyngho, was appointed on 6 January, 1291, and carried on its activities during that year and in 1292. The Commissioners worked from three centres - Westminster, Bury St. Edmund's and Salisbury - and these places were possibly chosen because of their connection with the main blocks of the queen's lands.

The fact that some of the records of the Commissioners' courts at these three places have survived (P.R.O. assize rolls 542, 836, 1014) has made possible a study of the whole inquiry.

The queen's ministers were charged with disseisin of various types, extortionate demands, malversation of justice and violent methods, and some of her ministers were persistent offenders. The majority of the pleas were

brought from the southern and south-western counties where Eleanor held lands. The pleadings throw some light on the obscure processes of the administration of her estates and we are able to catch glimpses of Eleanor's stewards and bailiffs, the officials most prominent before the justices, at work - collecting money, administering justice and carrying out the queen's commands.

From the legal point of view, the commission is interesting from the fact that it coincides in time with the famous 'trial of the judges.' Unlike the commissioners appointed to inquire into misdeeds of the king's officials, Ivingho and his colleagues were to hear and determine cases brought before them. Many pleas, however, were eventually concluded before the king and his council, of whose jurisdiction the records give many interesting examples.

Almost £1,000 was paid by Eleanor's executors in 'emende' to wronged persons. The whole episode shows that there were considerable malpractices upon the queen's estates, though not sufficiently serious to make us do more than question the saintly reputation of the queen.

the principal offenders.

B. Light thrown upon some aspects of the queen's administration.

C. Points of legal interest.

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John Butler - both of which renderings are open to objection - have been left in their original form. In the case of this particular name it may be noted that in the form of Boteler it was still to be found in East Anglia in the fifteenth century, as the surname of the seventh earl of Ormond who owned a house at Rochford.

ABBREVIATIONS USED.

C.Chart.R. Calendar of Charter Rolls.

C.C.R. Calendar of Close Rolls.

C.F.R. Calendar of Fine Rolls.

C.F.R. Calendar of Patent Rolls.
Est. Carl. Rotuli Parliamentorum.
Feodera. Rymer's Feodera in the Record
Commission Edition. (1815).
NOTE ON THE FORM AND SPELLING OF NAMES.

Charters in the Administrative
History of Mediaeval England.
(T. F. Tout).

Where possible, place-names have been identified and
the modern form used.

With regard to names of persons, extreme difficulty
has been found in following any consistent rule. Generally,
however, where a name can be identified with a modern form
or a place-name, this has been used, e.g. John of Berwick,
Walter of Kent, John of Newburgh, William of Minstead.
Otherwise, the name has been left in the form (or one of the
variations) in which it has been found. Names such as John
le Botyller, which might be translated as John the Butler, or
John Butler - both of which renderings are open to objection -
have been left in their original form. In the case of this
particular name it may be noted that in the form of Boteler it
was still to be found in East Anglia in the fifteenth
century, as the surname of the seventh earl of Ormond who
owned a house at Rochford.

ABBREVIATIONS USED.

C.Chart.R. Calendar of Charter Rolls.
C.C.R. Calendar of Close Rolls.
C.F.R. Calendar of Fine Rolls.

C.P.R.	Calendar of Patent Rolls.
Rot.Parl.	Rotuli Parliamentorum.
Foedera.	Rymer's Foedera in the Record Commission Edition. (1816).
<u>Chapters.</u>	Chapters in the Administrative History of Mediaeval England. (T. F. Tout).
<u>Registrum.</u>	Registrum Fratris Johannis Peckham Archiepiscopi Cantuari- ensis. (R.S.).

A.R.	Assize Roll.
M.A.	Ministers' Accounts.
S.C. I	Special Collections, I.

Rex venerandae religionis viro, abbati
Cluniacensi salutem et dilectionem in Christam sinceram.

Deus omnium conditor et creator, qui coelestis profunditate consilii ordinat, vocat, disponit et revocat subjectas suae providentiae creaturas, serenissimam consortem nostram Alianoram, quondam Reginam Angliae, ex regali ortam progenie, quarto Kalend' Decembris de praesenti seculo, quod vobis non sine multa mentis amaritudine nunciamus, sicut sibi placuit, evocavit.

Cum itaque dictam consortem nostram, quam vivam care dileximus, mortuam non desinamus amare, ac opus sanctum et salubre, juxta divinae scripturae sententiam, censeatur pro defunctis, ut a peccatorum solvantur nexibus, exorare;

Paternam caritatem vestram affectuosis precibus duximus excitandam, et instantius implorandam, quatinus, ipsius consortis nostrae exequias, cum omni devotione solempniter celebrantes, animam ejus cum decantatione missarum et aliis ecclesiasticis sacramentis Deo vivo, qui aufert spiritum principum, specialiter commendetis, adjuvantes eandem ac etiam facientes a prioribus, monachis, clericis et aliis, brevibus, subditis in sacramentorum suffragiis, elemosinis, caeterisque operibus caritatis salubriter adjuvari: ut si quid maculae, non purgatae in ipsa forsitan oblivionis defectu, vel alio modo, remansit, per utilia orationum vestrarum praesidia, juxta divinae misericordiae plenitudinem, abstergatur.

Quaesumus igitur ut de missarum et aliorum suffragiorum hujus numero, quae pro prefata consorte nostra decreveritis facienda, per vestras litteras nos curetis reddere certiores, ut ex hoc metiri possimus ad quales quantasque grates et gratias, ob praemissa, devotioni vestrae teneri merito debeamus.

Datum apud Asherugg', quarto die Januarii.

INTRODUCTION.

In these words¹, and 'not without much bitterness of heart', Edward I announced to the abbot of Cluny the death of Eleanor his wife. Even the cold official phrases of a formal document cannot entirely obscure the note of affectionate regard with which he asks prayers for the soul of one whom 'living he had loved dearly, and dead he would not cease to love.' Eleanor's devotion to her husband, her journeyings with him and his elaborate commemoration of her after her death have combined to make a legend around her name. She has become a tradition in English history - the model queen, the good wife, the tender mother, the wise and moderate counsellor. Rishanger's eulogy² at her death was repeated by Walsingham nearly a hundred years later³, and in 1425 John, Earl Marshall speaks of her as Edward's 'rayr wife.'⁴

1. Rymer's Foedera (1816), vol.I, part II, p.743.

2. Chronica R.S. p.121

3. Historia Anglicana R.S. I, p.32.

4. Rot.Parl. vol.IV, p.268. In a pedigree tracing his descent to the royal line.

So the tradition has been carried on, and in 1841 an historian even while deploring, in the same breath, the almost complete lack of material, could still write of her: 'No equivocal reputation is associated with the name of Eleanor of Castile. She never swerved from the position which fortune assigned her, nor failed to perform the gentle and peaceful duties which belonged to it.'¹ Yet in actual fact singularly little is known about her; and it is partly in the hope of arriving at a more reasoned view of the queen's character, as shown through the characteristics of her administration that the present study of old and new material is attempted.

The death of Eleanor of Castile on 28 November, 1290,² in the house of Richard of Weston at Harby in Nottinghamshire³

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1. B.Botfield, Manners and Household Expenses of England in the thirteenth and fifteenth centuries. Roxburghe Club, p.LVii.

An amusing deviation from the tradition is George Peele's fantastic tragedy, published in London in 1593, The Famous Chronicle of king Edward the first Also the life of lleuellen rebell in Wales. Lastly the sinking of Queene Elinor who sunck at Charing crosse and rose againe at Pottershith, now named Queenshith - wherein Eleanor nefariously compasses the death of the mayoress of London, and herself suffers a terrible doom in consequence.

2. Rot.Parl. I, p.96.
3. See E.H.R. vol.III (1888), pp.315-317. Note on The Death of Eleanor of Castile by W.H.Stevenson.

occurred at a somewhat disillusioned moment in Edward's reign. In August, 1289, the king had returned from a three years' absence in Gascony, to be met on his arrival by a great outcry against the oppressions and wrongdoings committed in his name during his absence. For the moment it seemed as though the principles of orderly and just administration which were Edward's crowning achievement had broken down, in practice, as soon as the king's controlling hand were removed for any length of time. The troubles were dealt with, however, with characteristic promptitude and vigour and on 13 October - just a month after his landing - writs went out to the sheriffs¹ announcing the appointment of seven commissioners to hear complaints against the oppressions and injuries done by the king's ministers to any persons within the kingdom during his absence. The inquiry thus instituted was in progress from April, 1290 to summer, 1293, and led to the removal from office of all but two of the justices of King's Bench and Common Pleas, as well as Adam de Stratton from the Exchequer, and a number of lesser personages.

When the highest of royal officials were thus proved

1. John de Pontoise, Bp. of Winchester, Robert Burnell, Bp. of Bath and Wells, Henry de Lacy, Earl of Lincoln, John de St. John, William le Latimer, William de Louth, William de March.

2. See below, pp. 45-46

guilty - if not of crimes of dramatic quality, as the chroniclers would lead us to expect, yet of very real and persistent abuse of their office - it followed that all were suspect. Redress of grievances was in the air. It is not, perhaps, surprising then, even from this point of view alone, and were there no additional evidence to suggest reasons, that Eleanor, who was afterwards to be called ¹ 'the loving mother' of her people should in her dying wish charge Edward with the redress of such injuries as might have been inflicted by her or her ministers in the ² administration of her wide estates during a long career as wife of 'the lord Edward' and consort of the king. From 1291-92, the special commissioners assigned to this task were at work, under the presidency of Ralph of Ivingho, and so we have for the queen's administration an inquiry lesser in importance and interest, but in many respects similar to that larger investigation, though at the same time technically too different in kind as well as degree to be called parallel to it. In this instance the commission was not set up as the direct result of the 'clamor miserorum', as was the case with the king's commission, but at the request of the queen herself; nor was it limited, as was the

1. William Rishanger, Chronica. R.S. ed. H.T.Riley. p.121.

2. see below, pp. 45-46

larger inquiry, to a consideration of offences during any particular period. Its justices were far less than eminent personages, and their wide powers were granted, perhaps, because their business was felt to be of lesser importance. As, however, a study of the king's commission has already thrown much light upon administration and justice in England during a portion of Edward's reign, and may possibly in the future be made to yield still more details for the history of administration and justice during the period; so the records of the inquiry into complaints against Eleanor and her ministers may be found to be a source of information very valuable to the student of administration on semi-royal estates. This is particularly the case since for so famous a queen there are singularly few productive sources of information.

SOURCES

I (General)

A. Chronicle material.

References to Eleanor in contemporary chronicles are naturally frequent, but these are generally limited, with irritating monotony, to accounts of the marriage negotiations of 1253 and of her coming to England in 1254; to accounts of her behaviour when the king narrowly escaped death from a poisoned arrow in the Holy Land; to eulogial

of her qualities after her death; and to references to Edward's plans for her pious commemoration. Among these perhaps the most fertile sources are the St. Alban's chronicles of Matthew Paris, Chronica Majora, and of William Rishanger. Paris gives valuable accounts of the marriage negotiations between Henry III and Alfonso X and supplies us with at least one useful document from among his 'Additamenta'¹; while his description of Eleanor's arrival in London, and her reception there, gives a hint of the misgivings that even in the midst of rejoicing beset the minds of thoughtful men when they beheld the arrival of yet another foreigner. Rishanger's comments² upon Eleanor's character and virtues quoted below again show the superior illumination of the St. Alban's school. Of other contemporary, or roughly contemporary, chronicles, The Annals of Dunstable is of most use. Hemingburgh, though one of the best sources for the reign as a whole, fails entirely for the queen's affairs. Incidental information may be gleaned, but scantily, from Thomas Wykes'³ Chronicon, the Opus Chronicorum and the Flores Historiarum. It is interesting to notice that none of the chronicles, as far

1. see below, p. 3.

2. p. 187.

3. With the exception of Hemingburgh (Eng. Hist. Soc.), all these chronicles are printed in the Rolls Series.

4. Unpublished for the whole of this period, with the exception of the Glass Roll between 1251-1272.

as the present writer is aware, makes any mention of the commission of 1291-92, although long and graphic accounts of the inquiry into misdeeds of the king's officials are frequent.¹

B. Record material.

(i) Royal Records.

From the frequent allusions to Eleanor and her affairs in royal records a good deal of information can be gained. The Patent Rolls, Close Rolls and Charter Rolls are our main source in respect of her dower lands, the other estates and wardships granted to her from time to time, the grants to her of debts to the Jews, and her financial position generally. For the present thesis they have also provided the chief source of information regarding the official careers of Eleanor's ministers, whose activities were, for the most part, too unspectacular to claim the attention of the chroniclers.

(ii) Other record material.

a) Correspondence.

Other material is notably scanty. Only some thirty of Eleanor's letters have survived (preserved among Ancient Correspondence at the Public Record Office), and

1. Notably in the Annals of Dunstable; Bartholomew Cotton Historia Anglicana; T. Wykes, Chronicon and others.
2. Calendared for the whole of this period, with the exception of the Close Roll between 1254-1272.

3. T. F. Tout, Charters in the Administrative History of Medieval England V. p. 230.

among these there is nothing comparable to the magnificent¹ series of letters from Eleanor of Provence. Of letters to her and concerning her, or to her officials, by far the most productive are those from Thomas Pecham, Archbishop of Canterbury, to which frequent allusion will be made below.

b) Official records compiled during the lifetime of the queen.

Official records which have hitherto come to light have, on the whole, proved equally disappointing in supplying the details of Eleanor's administrative organisation. Only one book of wardrobe expenses - that of John² of Berwick, from Michaelmas, 1289 until the queen's death - appears to have survived: whilst we have no comprehensive or detailed statement of receipts even for a period, however short. A reason has been suggested by Professor Johnstone for this lack of wardrobe evidence in the fact that it was Edward's deliberate policy to subordinate the wardrobes of other royal personages to his own³, so that their operations are relatively indistinct. The result has been to leave the historian of any aspect of Eleanor's

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1. Ancient Correspondence: P.R.O. List and Index, XV. S.C.I: especially vol.XVI. These letters, dating mainly from the years of her retirement after Henry III's death, are generally addressed to her son, the king. They throw much light upon the queen-mother's character and interests.
 2. British Museum. Add.MS. 35294.
 3. T.F.Tout. Chapters in the Administrative History of Mediaeval England V. p.236.

affairs bereft of the often valuable incidental information on a great variety of subjects which the accounts of the wardrobe organisation of any great household are frequently able to supply, and with only skeleton evidences for the queen's central administration.

A few fragmentary accounts of the expenses of the queen¹; an account for repairs to the queen's chamber at Westminster²; and one or two incomplete accounts of receipts from the queen's lands³ are all that remain of records compiled during her lifetime from which to piece together a view of her affairs.

C. Official records compiled after her death.

From the period following her death we get a series of accounts of her executors⁴, from Michaelmas, 1291 to Hilary, 1294, and the account and acquittance of her executors and their receivers at the Exchequer in 1298, enrolled on the Pipe Roll⁵. There are also two possibly incomplete accounts of the issues of some of Eleanor's

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1. E.101. Bundle 352/7,11 and 13. (P.R.O. Accounts Various: List and Index XXXV).
 2. ibid. Bundle 467/20.
 3. M.A. " 1089/22,25. (P.R.O. Ministers' Accounts: List and Index XXXIV).
 4. E.101. Bundles 352/27. 353/1,9,19.
 5. E.372/143. m.36.

¹ e.g. she quotes Walsingham as an authority, but ignored the contemporary historian who was Walsingham's own source of information.

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lands paid to the receivers after those lands had been handed back to the king by the executors of her will in 1296. To these must be added important material of another kind, the three Assize Rolls that form the principal theme of the present thesis. These are to be described presently, in the section of this chapter devoted to 'new' material.

Works for which these sources have already been used.

a) General Accounts.

Little attempt has been made, hitherto, to use this material for anything more than biographical purposes - for which it is not well adapted - or for antiquarian investigation. In 1840 Elizabeth Strickland's life of Eleanor² appeared, in the series of lives of the queens which appeared as a whole under the name of Agnes Strickland. It is described as 'now first published from official records and other authentic documents private as well as public', and is a straightforward account, based upon a wide but not very selective reading of chronicle material.³

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1. M.A. 1090/4,5. (P.R.O. List and Index V).
 2. Published in Agnes Strickland's Lives of the Queens of England, vol.II. A later edition (1851) contains substantial additions, e.g. the writer notices and uses the accounts of the queen's executors, a transcription of which had been published by B.Botfield a year after the publication of the first edition of the 'Lives'. See below, p. xi.
 3. e.g. she quotes Walsingham as an authority, but ignores the contemporary Rishanger, who was Walsingham's own source of information.

If the work strikes the modern historian as somewhat primitive, it must be remembered that this material was neither so hackneyed nor so accessible then as now, and that these biographies were produced without the aid of the then uncalendared chancery enrolments. Knowledge of the queen, however, does not appear materially to have expanded when the article upon Eleanor was contributed by the Rev. William Hunt to the Dictionary of National Biography in 1889.

b) Special aspects.

One line of inquiry, however, had begun to be opened up. In 1841 Beriah Botfield published for the Roxburghe Club a transcript¹ of the executors' accounts referred to above. This was preceded by a biographical sketch; and since frequent payments are recorded to William Torrel for the effigy at Westminster, and for materials and work upon the memorial crosses, he devotes some attention to a description of these. This theme was developed later by the Rev. Joseph Hunter in a paper read to the Society of Antiquaries in March, 1842, on 'the death of Eleanor of Castile, consort of Edward I, and the honours paid to her memory.'² This was afterwards printed in Archaeologia. Much stress is laid in this paper upon the purely antiquarian

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1. In Manners and Household Expenses of England in the thirteenth and fifteenth centuries. Roxburghe Club, 1841.
 2. Vol. XXIX, p. 167: the notes for this paper are preserved at the British Museum among Hunteriana.

interest of the crosses and other memorials: but it is interesting to notice that Hunter remarked the payments to one Ralph of Ivingho and his fellow 'auditores querelarum'¹ which figure in the executors' accounts. His attempt to explain the nature of their appointment and functions as well as their relation to the executors of the queen's will, and the receivers is perfunctory, necessarily incomplete and inaccurate. But the note, for our present purpose, is important, since the fact that a judicial inquiry of some sort was held after Eleanor's death was here in 1842 first remarked and left unelucidated.

The opening up of the whole field of administrative history, however, during the present century, through the work of Professor Tout and those who have followed his lead, has given a new significance to a great mass of historical material hitherto neglected or misunderstood. It has given a new value and perspective even to ^{the} fragmentary materials for the history of Eleanor of Castile, and the next work upon her follows at a great distance in time and method.

The first study of the queen's administrative system was deferred until the appearance, in 1930, in the concluding volume of Dr. Tout's Chapters in the Administrative History of Mediaeval England, of a section dealing with the household

1. Footnote K, p.176. see below pp.54,62.

organisation and financial resources of seven mediaeval queens¹, by Professor Hilda Johnstone. In her survey an important beginning has been made upon the whole subject of the working of this type of lesser household over a period of more than one hundred and fifty years. In the section dealing with Eleanor of Castile, Professor Johnstone's investigation of material of every available kind has failed to supply more than the barest outlines of the queen's central organisation, though it has been possible to arrive with more precision at the state of her finances than at the details of their administration. Reference is there made to Ivingho's commission², but Professor Johnstone has generously held her hand and refrained from further development of her subject in this direction, withholding judgment until an investigation of the rolls, already embarked upon by the present writer, at her suggestion were completed.³

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1. Tout. Chapters, vol.V, pp.231-289, dealing with queens from Eleanor of Provence to Isabella of France, second wife of Richard II.
 2. ibid. p.271.
 3. Other studies of kindred interest are those on The Central Administrative System of the Black Prince, by Mrs.M.Sharp, Tout, Chapters, V,p.289: The Wardrobe and Household of Henry, son of Edward I, by Professor H. Johnstone, Bulletin of the John Rylands Library, vol.7,No.3., and unpublished M.A. theses by Miss Eleanor Swift on The administration of the estates of the bishopric of Winchester, and Miss A.M.Best on The financing and organisation of the household of the queens of England during the first part of the fourteenth century.

II (New Material)

Material for the study of the inquiry into complaints against the queen's ministers.

The principal record material for the study of the 'Trial of the Judges', 1290-93, was found in two assize rolls preserved at the Public Record Office.¹ Extracts from these were edited with an introduction by Professor T. F. Tout and Miss Johnstone for the Royal Historical Society in 1906.² Later it was discovered that three further rolls, of what appeared to be kindred interest, existed.³ In the Public Record Office list these are described respectively, from their headings, as:

'Placita apud Westmonasterium coram Radulpho de Ivynghe et sociis suis Justiciariis ad querelas super ministros Alianorae nuper Reginae Angliae consortis domini regis audiendas et terminandas assignatis.' (A.R. 542).

'Placita apud Sanctum Edmundum, coram R. de Ivynghe et sociis suis de querelis versus ballivos Alianorae Reginae consortis.' (A.R. 836).

and 'Placita apud Sarum coram R. de Ivynghe et sociis suis Justiciariis domini Regis ad querelas tangentes Reginam, consortem Regis, audiendas et terminandas assignatis.' (A.R. 1014).

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1. 541a, 541b. (P.R.O. List and Index IV.)
 2. T.F.Tout and H.Johnstone: State Trials in the reign of Edward I: see also Tout. Chapters, II.note pp.66-67. An account of the episode from the Exchequer point of view is given by Dr.Hubert Hall in his edition of The Red Book of the Exchequer (R.S.1896). III. cccxxiii-cccxxxi.
 3. A.R. 542,836,1014. (P.R.O. List and Index. IV.)

Work was begun upon these rolls, under the supposition that here might be found a commission parallel, for the queen's affairs, to that already investigated. It soon became evident that this was not the case, but at the same time, it was obvious that here was a source of valuable information as to the queen's ministers at work upon her estates, the lands themselves and their administration - with the added possibility of the somewhat revised view of Eleanor herself which might conceivably emerge from such a study. Again, on the legal side, points of note have emerged that make the commission of very considerable interest: the circumstances in which it was set up, the status and powers of the justices, some peculiarities in procedure, the reservation of some cases to be heard coram rege, procedure by means of petition and, indeed, the whole question of the position of the queen at law, are subjects which present fruitful problems.

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1. In 1921, Dr. Ludwik Ehrlich brought together in an appendix to his Proceedings against the Crown (Oxford Social and Legal Studies, ed. P. Vinogradoff, vol. VI, No. XII, pp. 206-10) a number of facts relating to the position of the queen at law. But in some four pages dealing with proceedings against the queen between 1272 and 1377, gathered from a great variety of sources, he raises many more questions than he attempts to answer. Elsewhere, in the main text of his volume, there are incidental references which throw further light on the queen's position while dealing with the whole question of the Crown in relation to the law. He is not concerned specifically with Eleanor of Castile, however, since the appendix dealing with the queen's affairs is little more than an assemblage of more or less uncorrelated facts amassed in the course of a survey covering the period from Henry III to Edward III.

Search has been made for an official enrolment of the actual appointment of the commission, without result. The writer has discovered, however, among the very miscellaneous matter in the manuscript known as the Registrum Kempe olim ad abbathiam sancti Edmundi in agro suffolciensi pertinens¹ an apparently contemporary enrolment in full or what appears to be the text of the original letter patent. This enrolment has confirmed other evidence and supplied facts that could only partially be deduced from other sources. Notably it has supplied the names of all the commissioners, which nowhere else appear in full, the terms of the commission, the method of conducting the inquiry and the date of the appointment. This last is of special interest, since it clears up the question as to whether the commission were appointed before or after the queen's death - an important point which could not otherwise have been pronounced upon with any certainty.

As far as the writer is aware, the first use of this material is made here, except in so far as it was foreshadowed by the reference to the commission and its records by Professor Johnstone as is mentioned above. The 'Registrum Kempe' and the Rolls.

1. There appears to be no good reason for the title by prosefigi iussit D. Simonastus D'Exce.

1. B.M. Harl. 645. in Lincoln. (Cal. Font. Aids, vol. III).

3. A.R. 542, 556, 1014.

which the 'Registrum Kempe' is known. It is described in the catalogue of the Harleian MS. as having been in the possession of Sir Simonds D'Ewes, by whom the title was apparently given.¹ As the manuscript now exists, there are 13 folios inserted before the Register proper begins, folio 1 of the original numbering now bearing the additional number 14 (in pencil). This possibly gives a clue to its curious title. The first entry on the original folio 1 records the payment of 30 shillings for an acre of land 'in campo de Wlryt',² by one Ralph Kempe, and possibly in this inconsequential fashion the Register has come by its name. On folios 208b-209 of this Register of Bury St. Edmund's Abbey (numbered in pencil 236-237) is the enrolment of the letter patent referred to above. The handwriting of the entry is undoubtedly circa 1300 and there appears to be little reason to doubt that here we have an authentic and contemporary, though unofficial, enrolment of the king's instructions.

The three Assize Rolls³ which for the sake of convenient reference may be called here the Westminster, Bury St. Edmund's and Salisbury Rolls, are of 13, 6 and 11 membranes respectively, the membranes being stitched together at the

1. 'Codex membranaceus in fol. cui titulum insequentem praefigi iussit D. Simondsius D'Ewes.'

2. Possibly Worlaby in Lincoln. (Cal.Feud.Aids, vol.III).

3. A.R. 542,836,1014.

head in the manner common to judicial records. They are not of anything like uniform legibility, the Bury St. Edmund's roll being in by far the best state of preservation. The original numbering of the membranes has survived in this roll, which is written in a very bold, legible hand. Both the other rolls, though clearly written, have suffered far more serious damage. The ends of the membranes are tattered and frequently seriously mutilated. Added to this the writing is sometimes obliterated by the discolouration of the parchment for a considerable distance from the end of each membrane. On the whole, the writing is typical late thirteenth century script, of a wonderful neatness and precision. In a form of record where the phraseology is to the last degree stereotyped, it presents few difficulties. Only in the transcription of proper names is the transcriber left with serious doubts: combinations of u, i, n and m sometimes producing a wilderness of 'minims' which might be grouped in various ways, all equally hazardous; while t and c are frequently indistinguishable one from the other. The membranes are some 9-10 inches in breadth, and are written on both sides. Each case bears a marginal note as to county. When cases were ^{heard 'coram reg'} ~~referred to King's~~ ~~Bench~~ or for some other reason judgment was deferred, the

judgment is, as a rule, inserted, sometimes clearly in another hand at a later time, sometimes apparently by the same clerk at the time that the main body of the roll was written. In some cases spaces have been left for the insertion of later stages of a case, while in one or two instances a 'Postea' has had to be written upon an odd piece of parchment and stitched on to the membrane.¹

The loss, through mutilation, of the original numbering of the membranes in the Westminster and Salisbury rolls means that no reliance can be placed upon the completeness of the rolls as we now have them. In the

Bury St. Edmund's roll the numbering is continuous and only in one instance deranged², but even here, we cannot be certain that we have all the membranes. On the contrary, everything tends to show that the rolls as they have survived are incomplete. Juries are respited and summoned again to Westminster, but frequently we do not meet them again upon the Westminster roll; or reference is made to some plea already decided before the justices, of which we have no record. The chronology of the rolls is dealt with below and in Appendix IV.

It is a fact perhaps worthy of remark here that mm. 7 and 8 of the Westminster roll refer to proceedings at Salisbury. A comparison of these with mm. 1 and 3 of the

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1. e.g. A.R.1014, mm.6 and 7.
 2. Numbered i,ii,iv,iii, (xix)
v,vi.

latter roll shows that they are an account of the same cases¹, while a careful examination of the wording reveals only the most trivial differences. On the Westminster roll numbers are written out, while on the Salisbury roll they are left as figures; occasionally we find in one version the word Iurata for Inquisicio in the other. Paragraphing and abbreviations are individual. The most serious difference is that in the case of William, Bishop of Salisbury's plea, the names of the jury are given in the Westminster roll, and not on the Salisbury membrane; while in each case the judgment is inserted upon the Salisbury roll in a different ink, presumably at a later date. Were it not for this fact, it would appear probable that the two versions had been written up from the same draft notes, though the bold writing in the Westminster

1. <u>A.R.1014 (Salisbury).</u> <u>Plaintiff, m.1.</u>	<u>A.R. 542 (Westminster).</u> <u>Plaintiff, m.7.</u>
1. Richard de Lucy	1. Richard de Lucy
2. William, Bp. of Salisbury	2. William, Bp. of Salisbury
3. Geoffrey de Immere	Mutilated
4. Abbot of Cerne	
5. John Tule	
6. Mercia de Hyspannia	
<u>m.1d.</u>	<u>m.7d.</u>
1. Richard le But, Adam de Bradelee, etc.	1. Abbot of Cerne
2. Johanna de Vinone	2. John Tule
3. Abbot of Athelyng- neye	3. Mercia de Hyspannia
4. Abbot of Mochenlneye and William Hose.	4. . . . Adam de Bradelee, etc. Mutilated
<u>m.III</u>	<u>m.8.</u>
William son of Wm. de Patenye.	William son of Wm. de Pateneye.

version contrasts too sharply with the much smaller script of the Salisbury roll for it to be likely that they were written by the same hand.

No explanation of this rather curious duplication suggests itself: possibly it is no more than accidental, since neither adds anything to the facts of the other.

Scope of the present thesis.

It is attempted in the present thesis to examine the circumstances of the inquiry of which the rolls described above form a partial record, and to correlate this material with other known existing sources. The inquiry itself is the central episode.

A preliminary chapter, surveying the queen's chief lands, her most notable ministers and some contemporary comments upon her own character and methods, has been considered a useful and, indeed, necessary introduction to the main theme. A section upon the machinery at work after the queen's death for the settlement of her affairs includes a consideration of the work of her executors as well as that of the commissioners - since in some respects the two were intimately connected. An analysis of the alleged offences has been followed by a discussion of the chief offenders and an attempt to show in what respects a study of the inquiry before Ralph of Ivingho and his

colleagues can contribute to our knowledge of administrative methods on a queen's estates, and to an elucidation of the legal position in which the tenants found themselves. Finally, an attempt has been made to weigh the evidence against Eleanor's administration and wherever possible to catch any light that this may reflect upon the personality of the queen herself. In this

last respect, however, the writer wishes to emphasise that she realises the very hazardous nature of such deductions, and proffers them only as tentative suggestions.

The judicial inquiry of 1291-3 into the affairs of Eleanor of Castile is mainly concerned with the conduct of her officials in the administration of her estates. A consideration, therefore, of the lands held by the queen between her marriage with Edward in 1254 and her death at the close of 1290 is an essential preliminary to the study of the work of the commission.

The lands held by Eleanor by grant from the Crown (including those granted to her by Edward before his accession to the throne) may be divided into three groups: (i) a nucleus of lands held in dowry; (ii) other lands granted to her for life; (iii) a continually changing body of lands held in various temporary ways - 'during pleasure', for terms of years or in wardship during the minority of the heirs. Since this last group of lands can rarely have remained constant for any great length of time it is

P A R T I

Preliminary Survey: A. The Queen's Lands; B. The Queen's Ministers; C. The personal influence of Eleanor upon the conduct of affairs connected with her estates.

A. THE QUEEN'S LANDS.

The judicial inquiry of 1291-2 into the affairs of Eleanor of Castile is mainly concerned with the conduct of her officials in the administration of her estates. A consideration, therefore, of the lands held by the queen between her marriage with Edward in 1254 and her death at the close of 1290 is an essential preliminary to the study of the work of the commission.

The lands held by Eleanor by grant from the Crown (including those granted to her by Edward before his accession to the throne) may be divided into three groups: (i) a nucleus of lands held in dower; (ii) other lands granted to her for life; (iii) a continually changing body of lands held in various temporary ways - 'during pleasure', for terms of years or in wardship during the minority of the heirs. Since this last group of lands can rarely have remained constant for any great length of time it is

impossible to give here a detailed survey of its composition from year to year. We shall be concerned, therefore, mainly with groups (i) and (ii) - her dower lands and additional grants made to her for life.

I Grants during lifetime of Henry III.

(i) Assignments of dower.

The dower which Edward the king's eldest son was to bestow upon his wife was the subject of several declarations during the negotiations for the marriage treaty, which began in 1253. In May the king named William Bitton, bishop of Bath and Wells, and John Maunsell, chancellor of London and provost of Beverley 'the king's secretary' to act for him in the matter. In letters patent issued on 1 August there was made the first specific proposal with regard to dower. Power was given to William, bishop of Bath and John Maunsell, if the marriage were arranged, to promise land to the value of 1,000 marks a year, to be increased to 1,000 l. a year when Edward should become king.

1. C.P.R. 1247-58. p.230. If no better terms were obtainable they were authorised to accept Alfonso's acquittance of all the rights that he claimed in Gascony, provided that at the same time he enter into a mutual treaty 'against all men.' The measure of Henry's eagerness for the alliance is suggested by his giving to John Maunsell 'plenam . . . potestatem in animam nostram prestandi cuiuslibet generis sacramentum, quod ad predicti negotii prosecutionem et omnium aliorum dictum negocium tangencium fuerit necessarium.' C.R. 1251-53, p.476.

2. C.P.R. 1247-58, p.219.

That the small income of 1,000 marks should have been put forward as a reasonable proposition seems to suggest that the expenses of the wife of the heir to the throne were calculated on a far less magnificent scale than those of a queen consort. In any case, the negotiations for an alliance broke down completely for the time being, and in December, 1253, Alfonso's designs were so hostile that Henry was sending urgent demands to his barons and clergy in England and Ireland for help in the event of an invasion of Gascony.¹ When negotiations were re-opened on 8 February, 1254, John Maunsell was once again in charge of the proceedings - this time with Peter of Aigueblanche,² bishop of Hereford. On that same day Henry wrote to the king of Castile promising that Eleanor should be dowered 'secundum quod aliqua regina Angliae melius dotata fuerit vel honorata.'³ Apparently Henry had returned to the

1. Foedera I,i,295.

2. ibid. Neither in 1253 nor in 1254 were special envoys named as acting for Edward himself: but on 23 July, 1254, Edward gave his express consent to the marriage and named John Maunsell, already chosen by the king, as his representative with full powers to negotiate in his name. ibid. 304-5.

3. Matt.Paris. Chron.Majora. R.S. vol.VI, Additamenta, p.285: the passage continues: 'et assignaverimus eidem Edwardo ad suam et uxoris suae sustentationem, computatis tam terris sibi iam datis, quam etiam dandis, quindecim milia marcarum.' Edward himself was apparently to be assured of an income of 15,000 marks. See also Foedera I,i,pp.296,297,305,309.

struggle for a much desired alliance in a more liberal frame of mind. On 20 July, Edward assigned dower to Eleanor, namely, the castle and town of Tickhill, Stamford, Grantham and the castle and town of the Peak¹, as of the value of £1,000 a year; and if they did not reach that value, then the default was to be supplied in other lands in England. Additional land to the value of 500 marks a year was promised when Eleanor should be raised to the dignity of Queen. This shows already a substantial increase upon the amount first suggested: the income of 1,000 marks a year proposed in 1253 had, by the following year, been raised to £1,000. It is possible that the actual lands assigned may have been considered unsatisfactory and insufficient, since on 26 August, 1254², the king made notification that if Alfonso were not content with the dower assigned to her, and if Eleanor were not content with the towns and castles of Stamford, Grantham, the Peak and Tickhill, then Henry promised that Edward should assign to her lands to the amount promised in the grant of 20 July.³ However, these lands in Yorkshire (Tickhill), Derbyshire

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1. C.P.R. 1247-58, p.351 and Foedera I, p.304.
 2. C.P.R. 1247-58, p.323. Foedera I, 306.
 3. The Latin text of the assignment of 20 July, 1254, and of the notification on 26 August may also be found printed amongst Roles Gascons: vol.I. 1242-54: ed. Francisque-Michel. Paris, 1885. Nos. 3968,4277.

(The Peak) and Lincolnshire (Stamford and Grantham) are the only places mentioned as Eleanor's dower at this time¹, and no change was made in these arrangements until after her husband became king.

(ii) Additional lands.

For eleven years after her marriage no additional grants were made to Eleanor, and this inactivity with regard to her lands remained unbroken until 1265, when there occurs, between April and December, a whole series of grants: the hundred and manor of Somerton, co. Somerset, during pleasure 'as she has certain other lands in the district and therefore her bailiffs can conveniently keep them'²; the manors of Berwick, co. Somerset, and Stockwood, co. Dorset, during the minority of the heirs of William de Cantelupe³; the manor of Haselbury, co. Somerset, during pleasure 'to hold in tenancy for her maintenance'⁴; the manors of Banewell, Haddon and Codnor, all in Derbyshire,

1. The English lands in France, lands in Ireland and also in England were transferred to Edward during February, 1254, the grants being sealed with the Great Seal in October. Foedera I, i, 296, 297, 308, 309. Amongst the lands granted to Edward on 14 February, 1254, were The Peak, Stamford and Grantham (ibid. 297) now assigned to Eleanor.

2. 30 April, 1265. C.P.R. 1258-66, p.420.

3. 18 September, ibid. p.453.

4. - September, ibid. p.458. It may be noted that on 19 October of the same year this manor was re-granted to Alan de Plugenet and his heirs, ibid. p.467, so that Eleanor's tenure in this case was extremely short.

for life;¹ the manor of Chesterfield, Derbyshire, for life.² These considerable grants made in rapid succession after a long period of inactivity may possibly connect with the temporary lull in the embarrassments of the crown that followed upon the battle of Evesham in August, 1265, and probably represent Eleanor's share in the spoils of 'the disinherited'.³ That it was time that ampler provision should be made for her was recognised, at least implicitly, in the grant to her on 17 February, 1266, of the farm of the hundred and manor of Somerton, with the manors of Pitney and Wearne, co. Somerset, 'so that she shall hold them quit of rent until she be more bountifully provided for by the king'.⁴ More bountiful provision in the form of Somerton with Pitney and Wearne for life,⁵ and the manor of Ringwood with the profits and issues of the

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1. 17 October, 1265. C.P.R. 1258-66. p.466. Banewell is identified in the Calendar as possibly Bakewell in Derbyshire.
 2. 19 December. ibid. p.522.
 3. Berwick and Stockwood had been in the hands of Peter de Montfort, killed at Evesham; Haselbury, in the hands of William Marshall; Banewell, in the hands of Ralph Gernet 'the king's enemy'; Haddon, of Richard de Vernon 'the king's enemy'; Codnor, of Richard de Grey, and Chesterfield of Baldwin Wake - both similarly described.
 4. C.P.R. 1258-66, p.555.
 5. April, 1266. ibid. p.580.

3. C. Chart. 2. II, pp.192-3 and 196. The name is very much

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New Forest granted by Edward was soon forthcoming.
From this time onwards until her accession to the throne
in 1272, grants to her were made in every year except
1271.²

II Grants after the accession of Edward.

(1) Assignments of dower.

It is not until 1275 that a complete re-statement of Eleanor's dower is to be found. On 2 August, 1274, the king and queen reached England after a leisurely journey home from the Crusade, and speedy recognition was accorded to Eleanor's changed position as queen-consort. On 22 October, 1275, by charter, Edward assigned to her dower 'so that altogether she shall have £4,500 of land as well³ in England as in Gascony by way of dower for her life.'

1. September, 1266. C.P.R. 1258-66, p.638. Later, 14 September, 1270, this grant was completed by the surrender to the use of Eleanor and her heirs of the stewardship of the New Forest and the bailiwick of Lyndhurst. C.P.R. 1266-72, p.460, and C.Chart.R. II, p.149-50, 2 August, 1270; 150, 3 August, 1270.

2. Grants to Eleanor were made in the following years:-

1267	<u>C.P.R. 1266-72</u> , p.168.
1268	<u>ibid.</u> , p.179.
1269	<u>ibid.</u> p.394.
1270	<u>ibid.</u> pp.459,460.
	<u>C.Chart.R.II.</u> p.143

in the following counties:- Cheshire, Derbyshire, Hampshire, Leicestershire, Norfolk, Northamptonshire, Somerset and Wiltshire.

3. C. Chart. R. II, pp.192-3 and 196. This was a very usual sum for dower: see Tout, Chaptus. V p.281.
(7)

It would appear, from the preamble to the grant, that the greatly increased income now provided for her (the provision now made was four and a half times as large as that which was thought sufficient in 1254) was at least in part a response to representations made on her behalf by Alfonso¹; but coming as it did so promptly after the beginning of the new reign it almost certainly, too, marks the change that was proper and necessary to her changed status. This charter nullifies all previous assignments of dower and endows her with land in many counties², and particularly with great blocks of land in Derbyshire, Lincolnshire and Suffolk³. The exchange of Wirksworth and Ashbourne (Derbyshire) for Burstwick (Yorkshire) and Haddon (Derbyshire) on 10 June, 1280, was the last change in her dower lands in this country of which

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1. The grant is described in the Charter as being made 'when lately in Gascony, at the instance of Alfonso, King of Castile.' Edward had made an extensive tour of his French lands on the way home from the Crusade.
 2. Bedfordshire, Buckinghamshire, Cambridge, Derbyshire, Dorset, Essex, Gloucestershire, Hampshire, Huntingdonshire, Leicestershire, Lincolnshire, Northamptonshire, Northumberland, Nottinghamshire, Somerset, Suffolk, Surrey and Warwickshire.
 3. See Appendix I: Lands held in dower.

we have any record.¹ These English lands were estimated to be worth £2,500 a year. The other £2,000 was provided from Gascony, where she was granted Meilhan and Labouheyre with the castles, towns and forests there, and the custom of Bordeaux to complete that amount.² On 10 June, 1280, letters patent announced the further grant to her of Blanquefort, L'isle de Macau and Castelnau³ to complete her dower.

(i) Additional lands.

After 1272 additional grants of land to the queen were frequent and considerable. Grants were made in 1274, in each year from 1278-85 and again in the year of her

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1. C.P.R. 1272-81, p.380.
 2. C. Chart. R. II, p.193, 1 November, 1275. The details of her dower in Gascony are interesting, especially the provision that should she outlive Eleanor, the king's mother, the queen was immediately to enter upon all the queen-mother's dower lands in Gascony, Saintonge and Oleron.
 3. 'and all other lands that may fall to the king by the death of the lady of Blankeford.' C.P.R. 1272-81, p.380.

death, 1290.¹ Only a small proportion of these grants
 were for life,² the greater number being held 'during
 pleasure', or in wardship during the minority of the
 heirs. In this way lands in Cambridgeshire, Dorset,
 Hampshire, Hertfordshire, Kent, Leicestershire, Norfolk,
 Somerset, Suffolk, Sussex and Warwickshire passed from
 time to time under her control.

From the various sources of information at our disposal³

1.	1274	<u>C.P.R. 1272-81.</u>	pp.64,74.
	1276	<u>ibid.</u>	pp.131,139,144.
	1278	<u>ibid.</u>	p.265.
		<u>C.F.R. I</u>	p.97.
	1279	<u>C.C.R. 1272-79.</u>	p.543.
		<u>C.P.R. 1272-81.</u>	p.306.
		<u>C.F.R. I</u>	p.109.
	1280	<u>C.C.R. 1279-88.</u>	pp.29,34,111-112.
		<u>C.P.R. 1272-81.</u>	pp.361,362.
		<u>C.F.R. I</u>	p.128.
	1281	<u>C.P.R. 1272-81.</u>	p.424.
	1282	<u>C.P.R. 1281-92.</u>	p.52.
	1283	<u>ibid.</u>	pp.65,76.
		<u>C.Chart.R. II</u>	p.266.
		<u>C.F.R. I</u>	p.190.
	1284	<u>C.P.R. 1281-92.</u>	pp.113,146.
	1285	<u>C.C.R. 1279-88.</u>	p.381.
		<u>C.P.R. 1281-92.</u>	pp.180,186,193.
	1290	<u>C.P.R. 1281-92.</u>	pp.369,394.

2. Appendix I: Additional Lands held for life.
3. Chancery enrolments between 1254-1290, together with the evidence to be gathered from the collections of Ministers' Accounts and Rentals and Surveys preserved at the Public Record Office.

it is possible to piece together a general picture of the queen's lands. The main blocks¹ would appear to have lain in Derbyshire, in the eastern counties - Norfolk, Suffolk and Lincolnshire - and along the south coast in the counties of Somerset, Wiltshire, Hampshire and the Isle of Wight.

In Derbyshire, beside the town of Derby itself and the castle and forest of the Peak, she held the castles and towns of Bolsover and Horston, as well as other lands. With these may be grouped her more isolated possessions in the neighbouring counties, Yorkshire (where she had once held Tickhill, just beyond the Nottinghamshire border), Nottinghamshire, Leicestershire and Warwickshire.

In the eastern counties Eleanor had many distinguished possessions. In Lincolnshire, for instance, she held the city of Lincoln itself, the town of Grimsby and the soke of Caistor as well as lands of lesser importance. In Norfolk, only the farm of Ormsby came to her as dower, but other lands in the county were acquired by her from time to time and her influence there was undoubtedly² considerable. In Suffolk, she received in dower the

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1. She held also lands in Wales in the neighbourhood of Haverford (C.P.R.1281-92,p.398) and in Ireland (C.P.R.1281-92, p.146; C.C.R.1279-88, p.426). Of these, as of the lands in France, it is unnecessary to speak in this connection.
 2. e.g. Cawston in 1278, C.P.R.1272-81, p.265; South Erpingham (in the king's hands in 1274, see H.M.Camm, The Hundred and the Hundred Rolls, p.275, but frequently mentioned before the commissioners of 1291-92 as in the queen's hands).

farm of Dunwich and of Ipswich and the castle and town of Orford.

The third of the great blocks of land held by the queen was that in the southern coastal counties. Here again, as in Norfolk, the land that Eleanor received as dower was only a small part of what she afterwards possessed. As dower she was granted in Hampshire only the castle and town of Odiham; in Wiltshire, the farm of Bedwin and of Wexcombe; in Dorset, Wynfrith Newburgh; in Somerset, the farm of Axbridge, Cheddar and Congresbury, with the manors of Camel and Kingsbury and the hundred of Kingsbury. Attention has already been drawn to the grant to her in 1266 of the manor and hundred of Somerton, with the manors of Pitney and Wearne.¹ In 1266, too, was made the first grant to Eleanor of the issues and profits² of the New Forest, together with the manor of Ringwood, while in 1270 she transferred Pitney and Wearne to Alan de Plugenet, who forthwith surrendered to her the stewardship³ of the New Forest and the bailiwick of Lyndhurst. These extensive administrative powers in Hampshire made her position there one of great importance. Fifteen years later, on 28 July, 1285, Edward conferred upon her

1. see above, p.6.

2. pp.6-7.

3. C.P.R. 1266-72, p.460; C.Chart.R. II, pp.149 and 150.

the custody of the counties of Somerset and Dorset during pleasure, John de Sancto Laudo being named to exercise the office of sheriff.¹

It is on an attempt to give a survey of the chief lands held by Eleanor at times between 1254 and her death in 1290. It is supposed to deal with the more prominent among them in an attempt to discover to what type, if they conformed, what characteristics those whose records are known to us have in common, how far they may be considered typical of that rising 'ministerial' class, which in the thirteenth century was everywhere assuming so much importance. A discussion of the administrative organization of her estate as a whole is postponed until a later section, when the whole question is considered in the light of such additional information as the records of the commission of 1291-92 may afford.¹

It is fortunate that there have survived several treatises, attributed to the thirteenth century, upon husbandry and the management of estates.² These books,

1. see below, Part IV, section B, pp. 154-158.

2. Notably Walter of Henley's Husbandry, an anonymous Husbandry and Seneschaulie and the Rules of Robert Grosseteste - printed by the Royal Historical Society, ed. F. Lamond; also that contained in the Gloucester Cartulary; Historia et Cartularium Monasterii Sancti

1. C.R.R. 1281-92, p.186. John de Sancto Laudo was sheriff of these counties from 1283-89.

B. THE QUEEN'S MINISTERS.

In section A an attempt has been made to give a preliminary survey of the chief lands held by Eleanor at different times between 1254 and her death in 1290. It is next proposed to deal with the more prominent among her officials in an attempt to discover to what type, if any, they conformed, what characteristics those whose careers are known to us have in common, how far they may be considered typical of that rising 'ministerial' class, which in the thirteenth century was everywhere assuming so much importance. A discussion of the administrative organisation of her estate as a whole is postponed until a later section, when the whole question is considered in the light of such additional information as the records of the commission of 1291-92 may afford.¹

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written by contemporaries for the instruction of lords and officials alike, form a useful background of reference against which to place the officials with whom we are particularly concerned. From these writings it is possible to gain, beside information as to their different duties, some idea of the characteristics expected by practical men of the time in the holders of various offices. Stewards.

'Le seneschal de terres deit estre sages e leaus e apruant e deit saver lassise del regne pur soreyne besoignes defendre e pur les baillifs ke desoz li sont en lordotances certifier e aprendre.'¹

First in importance among the queen's manorial officials were her stewards, with wide powers to oversee the labours of her bailiffs and reeves and to hold courts on her behalf on her estates.² Altogether the names of ten officials who were at different times stewards under Eleanor, emerge.³ Of these, two - Simon of Winchester and John son of Thomas - are named specifically as stewards of the New Forest: while the latter and Hugh of Dingneveton are sometimes called 'keepers' of the New Forest. John of

1. Seneschaucie: Loc.cit., p.84.

2. see below pp. 144 - 151.

3. Appendix II: the writer has been unable to trace any information about Richard Doyns who is named on one occasion as steward (A.R. 1014 m.5d.). He is, therefore, perforce disregarded here.

Weston, Walter of Kent, William of St. Clare, Hugh of Cressingham, Geoffrey de Picheford and John de Ponte are referred to simply as stewards. In order to estimate the standing and importance of these men who were employed in posts of responsibility by Eleanor we must review briefly the chief points in their careers as officials of the Crown.

The career of John of Weston presents an immediate difficulty owing to the fact that there are at least two persons bearing this name mentioned in records of the reigns of Henry III and Edward I. However, a certain unity of identity is to be found in the references to a John of Weston whose connection with the service of the Crown in various official capacities dates from the time of Henry III. In 1262 this official was warden of the stannary of Devon, and in the same year was one of the justices appointed to the keeping of the Jews.¹ Two years later, in June, 1264, when Windsor Castle was for a time committed into the hands of Eleanor, consort of Edward the king's son, the castle was delivered to him as her steward.² In 1265 he was coroner for the county of Nottingham.³ In May, 1269, he was appointed with another to scrutinise the chirographs of the Jews⁴ and inquire into their affairs

1. C.P.R. 1258-66, pp.200,235.

2. C.P.R. 1258-66, pp.324,325.

3. ibid. p.408.

4. C.P.R. 1266-72, p.382.

all over England. It is possible that he may have been the John of Weston who accompanied Edward in 1270 upon his crusade and that his death may have occurred in 1275.¹

Walter of Kent had a long and busy official career. Before her accession to the throne he was named as attorney for Eleanor in 1270, when she went beyond seas; and in April, 1272, Edward delivered to him the castle and bailliwick of the Peak.² From this date onward he became rapidly more and more immersed in royal affairs. In 1273 he is described as keeper of the royal manor of Ringwood,³ and steward of the king and of Eleanor his consort at Totton,⁴ while as attorney of the queen he accounted at the Exchequer in this and the following year for sums received in her name.⁵ By 1276 he had become yet more closely attached to the affairs of the queen. In this year he was clerk of the king,⁶ steward of the queen

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1. C.P.R. 1266-72, p.440; C.C.R. 1272-79, p.183. Many later references to a John of Weston occur, but it does not appear possible to disentangle the identity of the persons concerned.
 2. C.P.R. 1266-72, pp.461,642.
 3. C.C.R. 1272-79, pp.59,80.
 4. C.P.R. 1272-81, p.8.
 5. From John le Despenser for ransom of the manor of Martelewe according to the Dictum of Kenilworth. C.C.R.1272-79, pp.46,56,119.
 6. C.P.R. 1272-81, p.156.

and keeper of her gold.¹ In 1279 he is referred to as 'clerk of the king's consort' and in the following year was still keeper of her gold.² In 1286 he was referred to as 'formerly' the queen's clerk.³ Throughout this period he was frequently employed in commissions of inquiry and of oyer and terminer. In the years 1280 and 1281 he appears to have been almost continuously at work in this way in cases touching the lands of the king and queen, debts to the Jews and kindred business directly affecting the royal interests.⁴ In some of these he was associated with such other well-known royal servants as Geoffrey de Picheford and John of Lovetot.⁵ A clerk and a pluralist, he roused the anger of Archbishop Pecham by his violation of the sequestration of Ringwood church and by engaging in illicit transactions

1. C.C.R. 1272-79, pp.267,315.

2. C.C.R. 1279-88, pp.2,24.

3. ibid. p. 398.

4. e.g. Commission regarding the goods of Jacob of Oxford, Jew, granted to Eleanor, 7 Jan.1280. C.P.R. 1272-81,p.407; other debts to Jews 13 July, 1281, ibid. p.473. Commissions touching royal lands: C.P.R. 1272-81,pp.471-72 passim, and 475: C.P.R. 1281-92, pp.24,48.

5. He was presented to the Church of Taxal (Coventry and Lichfield) in 1274. C.P.R. 1272-81, p.44.

with regard to church revenues and livings. In a letter of 8 March, 1282¹, Pecham refused to release the sequestration as Antony Bek² had requested, on the ground that favours could not be granted while such irregularities existed. His letter ends with a request that Bek shall give neither counsel, help nor favour to Walter or others in their malpractices.³ A clerk, but of a most perfunctory spirituality, possibly not too scrupulous where personal gain might be achieved, but obviously trusted by the king and queen, with whose affairs he was intimately concerned for more than ten years, Walter of Kent would appear to have been a very typical royal official.

William of St. Clare was a person of less prominence. In the general inquiry of 1279 with regard to knighthood, he was appointed to inquire into the proceedings of the sheriffs of Hertford and Essex.⁴ In the following year he

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1. Registrum Epistolarum Fratris Johannis Peckham, Archiepiscopi Cantuariensis ed. C. Trice Martin. R.S. I, pp. 313-314.
 2. King's clerk from 1266 and for a short while in 1274 Keeper of the Wardrobe: in 1283 he became Bp. of Durham. Tout. Chapters II, p.14.
 3. 'Rogamus autem quatenus, sicut honorem nostrum et vestrum diligitis, in aliquo contractu illicito vel inhibito mercimonio, nolitis sive Waltero de Cancia sive cuicunque alii in hac parte praebere consilium, auxilium vel favorem.' p.314.
 4. C.P.R. 1272-81, pp.342,352. The William of St. Clare follower of Simon de Montfort, who was received back into the king's peace in Jan. 1267 (C.P.R.1266-72, pp.12,21, 25 and 118) can hardly have been the same person.

became with William de Hamelton, keeper of the bishopric of Winchester, an office which he continued to hold until the temporalities were restored on 11 August, 1282.¹ From 1280 he sat on several commissions of gaol delivery and oyer and terminer², sometimes associated with John of Lovetot, with whom, for example, he was assigned to hear the famous Hautboys case in March, 1285.³ In this year he was also steward of the queen.⁴

Hugh of Cressingham is perhaps the most widely known of Queen Eleanor's officials, possibly on account of the misfortunes of his end.⁵ His stormy career as treasurer for Scotland, however, belongs to the period following Eleanor's death. From 1288 onwards he was fairly constantly employed by the Crown as a justice of oyer and terminer⁶

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1. C.P.R. 1272-81, p.403; C.C.R. 1279-88, p.26; C.P.R. 1281-92, p.33.
 2. C.P.R. 1272-81, pp.407,456; C.P.R. 1281-92, pp.99,144,207, 210.
 3. see below, pp.176-7; C.P.R. 1281-92, p.207.
 4. ibid. p.210.
 5. Cressingham was killed at the battle of Stirling Bridge in 1297, during Wallace's rebellion, and must participate in the blame for the disgraceful mismanagement of that campaign. His end is reputed to have been attended by great brutality.
 6. e.g. C.P.R. 1281-92, pp. 306,332,406,456,458,472,490,516.

and as justice in eyre in the counties of Cumberland,¹ Westmoreland, Northumberland, Lancashire and Yorkshire, being head of the itinerant justices in the northern counties in the years 1292-1295.² Meanwhile he became attached to the household of the queen. He is mentioned in 1290 as being her bailiff, with Robert of Bures, in her barony of Haverford and in the same year as king's clerk and steward of the queen.³ He was still a steward of her lands at the time of her death and this possibly accounts for the fact that in the inquiry of 1291-92 he so frequently pleads the defence on behalf of her officials. A clerk in orders, he was holder of various benefices.⁴ Hemingburgh gives him an exceedingly poor reputation as an ecclesiastic. One of the detested pluralists, he appears rarely to have concerned himself with his cures of souls except from the material point of view. Moreover, Hemingburgh certainly casts doubts upon his honesty and efficiency as a royal servant, in the

1. C.C.R. 1288-96, passim.

2. Hemingburgh, II, p.139. See Fosse: Judges, III, p.83.

3. Rot.Parl. I, pp.30,33; C.P.R. 1281-92, p.398.

4. e.g. CP.R. 1281-92, pp.296,432,475.

affairs of Scotland at any rate, and the glib piling up of unpleasant epithets suggests popular as well as personal dislike. Cressingham was in some respects singular among Eleanor's officials. His somewhat more spectacular career attains an unusual publicity since, at least at its close, Cressingham was taking an active part in the political affairs of his time, at a moment of crisis.

Geoffrey de Picheford was another of Eleanor's officials whose name is familiar in the records of the time. The first royal appointment held by him was the custody of the castle and forest of Windsor, to which he was appointed in December, 1272.² This appointment was extended in January, 1273, to include the castle, town and

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1. Hemingburgh's account of Cressingham is most unattractive: '.....homo pomposus et elatus, valde pecuniam dilexit, et murum lapideum quem ipse dominus rex super novum fossatum apud Berewyk construi praeceperat non construxit, quod nostris evenit in scandalum.....' Speaking of his death he says: 'Corruit eodem die inter Scotos lancearios praenominatus ille thesaurarius domini regis dominus Hugo de Cressyngham, rector ecclesiae de Ruddeby et capitalis justitiarius in assisis Eborum, qui cum esset praebendarius in multis ecclesiis, et multarum haberet curam animarum, nunquam tamen arma spiritualia vel casulam induit, sed galeam et lorica in quibus corruit. Et qui gladio linguae suae multos olim exterruerat in in judiciis multis, gladio tandem perversorum occisus est.erat enim pulcher et grassus nimis: vocaveruntque eum non thesaurarium sed trayturarium regis et verius hoc quam credebant; multos enim seduxit in die hac sed et ipse seductus est qui erat levis et lubricus, elatus superbia et avaritiae deditus' Chronicon domini Walteri de Hemingburgh. ed. H.C. Hamilton. (Eng. Hist. Soc.), vol. II, pp. 127, 139-140.
 2. C.P.R. 1272-81, p. 2.

forest of Windsor, and the manors of Bray and Kennington¹ with the seven hundreds and other appurtenances. While holding this office he acted at the same time as 'custos puerorum regis in eodem castro existencium.'² For twenty-five years he continued to have the custody of Windsor, and was still constable in the year of his death,³ 1298. As constable of this important royal castle and forest he was for a large number of years in continuous and close contact with the affairs of the king and queen. From 1272 until the end of his life, Geoffrey de Picheford was constantly employed upon commissions concerning royal estates and on several occasions in cases of trespass affecting specifically the queen's lands.⁴ Throughout this whole period he was engaged so constantly upon commissions of inquiry, of oyer and terminer and of gaol delivery that it would be tedious to enumerate the various appointments.⁵ Occasionally employed as an itinerant justice, he was in 1279-80 a justice in eyre for pleas of

1. C.P.R. 1272-81, p.3.

2, See Professor H. Johnstone, The Wardrobe and Household of Henry, son of Edward I, especially pp.4-5.

3. Madox; History and Antiquities of the Exchequer, 2nd.ed. vol.II, 224 note m.

4. e.g. C.P.R. 1272-81, p.181, with John of Kirkby and Walter of Kent: C.P.R. 1281-92, pp.76,89: C.C.R. 1272-79, p.263 and on many other occasions.

5. C.P.R. and C.C.R. passim.

the forest in Hampshire with John of Lovetot, Roger de Clifford and William de Hamelton.¹ In the records of the commission of 1291, he is referred to as steward of the queen², but he is on no occasion given this title in the chancery enrolments. At the end of his career, however, in 1297, he is there described as steward of Edward's household.³ Geoffrey de Picheford, then, while not achieving the degree of eminence, unusual among Eleanor's servants, that Hugh of Cressingham reached, and making no mark upon the external history of his time, was nevertheless an official of considerable importance, in close and most constant connection with the Crown.

John de Ponte would appear to have been altogether a lesser personage, and one of whom there is little to be said. It was not until after 1280 that he came into prominence as a royal servant. In 1281 he was bailiff of the queen at Mertok and Hurst⁴, and in the following year the queen used her influence to obtain for him licence to alienate in mortmain land to the prior and canons of Leeds.⁵ His activities as an official of the queen in Norfolk

1. C.P.R. 1272-81, pp.352,359.

2. e.g. A.R. 542, m.1.

3. C.C.R. 1296-1302, p.60.

4. C.C.R. 1279-88, p. 88.
C.C.R. 1296-1302, p.60.

5. C.P.R. 1281-92, p.22.

(he is described variously as bailiff and steward)
figure largely in the records of the commission of 1291-
92.¹ In 1288 he was described as king's clerk, when
granted the custody during pleasure of the dower lands of
Matilda Walraund,² while in the following year he was
entrusted with the custody of the confiscated lands and
goods in Kent of Thomas de Weyland.³ In 1286 he was
constable of Leeds castle, held by the queen, and still
exercised this office in 1290.⁴

Hugh of Dingneveton, Simon of Winchester and John son
of Thomas, stewards of the New Forest, appear to have been
men of similar standing to the officials just dealt with.

Hugh of Dingneveton was constable of the castle of
Orford from March, 1274 until May, 1275,⁵ and in 1274 was
employed in the counties of Norfolk and Suffolk in dealing
with offences against the prohibition of the export of
wool.⁶ In 1276 he was king's clerk, keeper of the city of
Winchester and keeper of the New Forest.⁷ In the following

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1. see below, pp.121-123.
 2. C.P.R. 1281-92, p.301.
 3. Chief Justice of Common Pleas from 1278 until his abjuration of the realm in Feb.1290: see State Trials, Introduction, pp.XXIX-XXX, etc.
 4. Peckam, Registrum III, pp.924-925; C.C.R. 1288-96, p.113.
 5. C.P.R. 1272-81, pp.44,45,89.
 6. C.P.R. 1272-81, p.48.
 7. ibid, pp.133,144.

years he attained some prominence as, with Janyau of Florence, he was appointed keeper and bailiff throughout the realm to receive customs on wool¹ and was appointed on a commission of inquiry regarding the Jews throughout the kingdom.² In the same year he was granted the bailiwick of Southwark during pleasure.³ There is no further mention of him until 1285, when the bishops of London and Norwich were commanded to give credence to him in the matter of the subsidy granted for the debts incurred in the Welsh wars.⁴

Simon of Winchester was extensively employed upon the queen's affairs from 1283 onwards. In this year he was appointed with John of Lovetot and John of Kirkby to inquire into the liberties that belonged to the castle of Southampton, then in the hands of Queen Eleanor⁵, and in 1284 he was sheriff of Hampshire, though this office and the custody of the castle of Winchester were handed over to William de Bremeshete in the following year.⁶ In August, 1285, he was appointed to make inquisitions in the counties

1. C.P.R. 1272-81, p. 210.

2. ibid. p.240.

3. C.C.R. 1272-79, p.406.

4. C.C.R. 1279-88, p.351.

5. C.P.R. 1281-92, p.105.

6. C.P.R. 1281-92, p.196; C.C.R. 1279-88, p.280.

of Hampshire, Surrey, Sussex and Kent¹ ; and in 1287 was commissioned, with another, Thomas Peverel, to enforce the statute of Winchester in Hampshire.² During the next ten years he was frequently employed as a justice of oyer and terminer and gaol delivery. He seems always to have been particularly concerned with the administration of Hampshire and it is therefore not surprising that in 1291, following the queen's death, the custody of the bailiwick of the New Forest, and all the lands in the Isle of Wight and elsewhere, together with houses in Southampton, lately in the custody of John son of Thomas, by appointment of the queen, were now granted to him during pleasure.³

The last of the queen's ten stewards was John son of Thomas, who had a long career in the royal service. In 1277 he became keeper and steward of the New Forest, in succession to Hugh of Dingneveton, a position which he was still holding in 1291, when it was handed over to Simon of Winchester.⁴ In 1294, however, he was once more restored to the office.⁵ As a justice of oyer and terminer

1. C.C.R. 1279-88, p.365.

2. C.P.R. 1281-92, pp.264-266.

3. C.P.R. 1281-92, p.413.

4. C.P.R. 1281-92, p.413; C.C.R. 1272-79, pp.386,405.

5. C.C.R. 1288-96, p.364; C.P.R. 1281-92, p.487.

he was frequently employed in cases of trespass and complaints touching the queen's lands between 1283 and the¹ time of her death.

Some general characteristics of these men who occupied the highest positions in the administration of Eleanor's estates may be noted. They were all of them first and foremost royal officials and only one of them, Hugh of Cressingham, makes any mark upon the external history of his time. Cressingham's misfortunes in Scotland and his death in William Wallace's rebellion lend a somewhat unique character to his career amongst these very unspectacular royal servants. Of the nine officials whose careers have been described, eight were frequently employed as justices. Hugh of Cressingham and Geoffrey de Picheford were both employed as justices in eyre at different times, Cressingham being head of the justices in eyre in the northern counties for three years - though this was after Eleanor's death. Of the rest, all but John de Ponte were used in commissions of inquiry, gaol delivery and oyer and terminer. Clearly, then, the thirteenth century writer's requirement that the steward should know the law of the land was fulfilled by Eleanor's stewards. Walter of Kent, Hugh of Cressingham, John de Ponte, Hugh of Dingneveton

1. C.P.R. 1281-92, pp.89,398,406 and others.

and Simon of Winchester were clerks, the first two certainly with cures of souls: both they and John de Ponte seem to have been thoroughly bad churchmen. None of her stewards, apparently, found exclusive employment with the queen, and some of them were also attached to the household of the king, Walter of Kent, Hugh of Cressingham, John de Ponte, Hugh of Dingneveton and Simon of Winchester being designated at different times clerks of the king. All of them were used in a variety of official administrative and judicial business.¹

Bailiffs.

'Le baillif deit estre leaus e pruant e bon gaignur e sage ausi ke il ne coueigne mie mander a son seignur ne a son sourein seneschal pur auer consail e aprise de tote les choses ke touchent sa baillie si ne fust de estrange cas o de grant peril car baillif poy vaut en besoigne ke poi oit e ren nad de sey sanz autrui aprise Le baillif deit estre dreiturel en toz poinz e en toz se fez
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The bailiffs upon Eleanor's estates came in for their full share of blame at the inquiry that followed her death. More closely connected than the stewards with the actual

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1. The inquisitions post mortem of Hugh of Cressingham and Geoffrey of Picheford give some indication of the material position of some of the queen's officials. C.Inq.P.M. vol. III, Nos. 405,566.
 2. Seneschaucie, Loc.cit., pp.88,90.

cultivation of the land and management of the estates, they were in closer everyday contact with the people and in a position to interfere extensively with the peace and quiet of the tenants on the manor. Though obliged constantly to render account to the steward, the passage quoted above suggests that he was expected to be a person of some initiative, capable of acting independently in routine matters though, at the same time 'he ought not without warrant, to take fines or reliefs for land, nor enfeoff¹ a woman without the steward, nor hold pleas touching fees or franchise which turn to the disinheriting of the lord. And he must not remove or make a reeve without the steward.'

The names of some forty of Eleanor's bailiffs have been found among chancery enrolments, the Rolls of Parliament and her ministers' original accounts. Some of them are immediately striking as occurring also among the lists of her stewards - notably Walter of Kent, Geoffrey de Picheford, John son of Thomas, John de Ponte and Simon of Winchester.² The office of bailiff upon the queen's estates, then, apparently was not considered despicable

1. Seneschaucie, pp.90-91. 'il ne deit pas prendre fin de terre ne de reliif ne femme alegger sanz le seneschal ne nule rin pleder fye ne franc tenement ne franchise ke torne a desheriteson de son seignur sanz garant e il ne deit pas remuer prouost ne fere sanz le seneschal'

2. See Appendix II: Lists of Officials.

even by officials of some standing. The term 'ballivus', however, was a very general one whose exact connotation in any given case is peculiarly difficult to arrive at. It is possible that bailiffs such as these were somewhat more elevated persons than those to which the thirteenth century writer just quoted refers. It would appear unlikely that such persons would undertake the practical personal supervision of labour on the royal lands that was the specific task of the bailiff who was mainly concerned with husbandry. Possibly in cases of this kind these duties were relegated to sub-bailiffs. We have mention, for instance, of one David and of Robert de la Greyne, sub-bailiffs of John de Ponte in Norfolk.¹ Several other persons are mentioned as sub-bailiffs, but their names do not occur in sufficient numbers to make it appear that their presence on the manor was the rule. One other man who was to hold important offices later in the reign appears, rather strangely, among the bailiffs - namely, Humphrey de Waleden.² Humphrey was bailiff of the queen in Norfolk³ at the beginning of his official career. In 1290 he was king's clerk, and after Eleanor's death was deputed, in January, 1292, by

1. A.R. 836, m.I.d.

2. at South Erpingham. A.R. 836 m. 1d.

3. C.P.R. 1281-92, p.341.

Robert Burnell and other executors¹ of the will of the late queen to the custody of all her lands in England.² Later in the same year he was commissioned to carry out an award of Ralph of Ivingho's court, inquiring into the queen's affairs.³ From this time onward he was frequently employed upon royal business.⁴ But Waleden would appear not to have been typical, for others of her bailiffs were obscure people, if one may judge by their lack of history. Reeves and other minor officials.

'Le provost deit estre elu e presente par commun assentement tote la vile pur le meillur hosebonde e le meillur aprouer des autres Item, nul provost neit poer plaider nul pene de nuly amercier mes ly on le hayward ou le bedel receyvent les plaintes e facent les attachemenz e livrent al baillif Le hayward deit estre vigerous homme apres car il deit tant et tempre espeyer e avironer e garder le boys les blez e les preez e deit ses attachemenz e les aprouemenz leaument fere e par deuant le prouost fere la deliverance par plegges e liuerer les a son baillif a pleder

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1. see below, pp. 57.
 2. C.P.R. 1281-92, p. 468.
 3. C.P.R. 1281-92, p. 519.
 4. For his subsequent career, see article by W.E. Rhodes in the D.N.B.
 5. Seneschaucie, pp. 96-102.

Little need be said of the reeves and other minor manorial officials. On the whole they appear very little in the business of 1291-92. As elected officials from among the villein tenants themselves they were far less likely to arouse animosity than the more exalted steward or bailiff, who was probably regarded as a 'foreign' importation. The names of over fifty reeves on Eleanor's estates and of a few messors, beadles and foresters have been found. The great majority of them occur in original accounts for Eleanor's lands.¹

The duties of these officials, their relationships to one another and their place in the administration of the queen's estates as a whole is, for the sake of clearness, and in order to avoid needless repetition, discussed later with the additional information that may be gleaned from the proceedings of the commission of 1291-92.

1. Preserved at the P.R.O. in the collection known as Ministers' Accounts. Since, however, we are not closely concerned with them, their names are not included in the lists in Appendix II.

C. THE PERSONAL INFLUENCE OF ELEANOR UPON THE CONDUCT OF AFFAIRS CONNECTED WITH HER ESTATES.

The extent to which Eleanor exerted a personal influence upon the conduct of ~~aff~~airs connected with her estates is very difficult to determine, and any inferences that may be drawn can be based only upon somewhat scanty evidence. Only very occasionally can the investigator feel sure of having detected her hand at work. As far as the internal administration of the lands is concerned the difficulty of separating her own intentions from what may often have been the independent action of her officials is so great as to make the task almost an impossible one,¹ except upon the most speculative lines. In a general way, however, it is possible in this preliminary survey to suggest certain marked tendencies in Eleanor's attitude toward her estates.

There is evidence that Eleanor had a keen eye personally upon her own interests in the acquisition of new lands, and this, together with her extensive dealings with the Jews may account for a certain reputation for harsh and even unscrupulous practice which appears to have attached to her

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1. The records of the commission of 1291-2 throw some additional light upon the subject and this evidence will be considered later. See pp. 131-135, 186-187.

during her lifetime. An early example of her businesslike methods, with an indication of the sentiments that they aroused, is to be found in a letter which she wrote in September, 1265, to John of London.¹ The king, she says,² gave her the other day the manor of Berwick at the instance of Sir Roger de Leyburn, but since it is part of the wardship of Cantelupe which the king has granted to another she cannot have seisin of it. She suggests that instead he should try to obtain for her Haselbury, in Somerset, which belonged to William Marshall, now dead, to hold during the minority of the heirs. Failing that, she suggests the manor of Gerente³ in Dorset, which belonged to William de Keenes, also dead. She points out that the manor of Haselbury is the less valuable of the two. She

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1. Royal and other Historical Letters illustrative of the reign of Henry III. Ed. Shirley. R.S. II 298-99. Shirley gives the date as 'about 1265', showing by internal evidence that the letter must have been written after the Battle of Evesham. It is possible, however, to fix the date more exactly as between 18 Sept. 1265, on which day Eleanor was granted the manor of Berwick, and the end of that month, since it is obviously written before the grant to her of Haselbury, which took place also in September. C.P.R. 1258-66, pp. 453, 458.
 2. Probably Berwick in ~~Sussex~~. Somerset.
 3. It has not been possible to trace this manor, or to find its name in a modern form.

gives instructions how her case may best be put before Roger and the bishop of Bath: 'dite lui ke le maner de Berwic ke le roi nus dona par sun procurement nus est tollet, kar il nus tendra a meins coueituse, et memes co diet al eveske de Ba.' If John cannot get satisfactory results then the letters which he has regarding the transaction are to be sent by the bearer to Walter of Kent, her clerk. The last sentence is illuminating: 'Pensez despleiter cehte chose, kar co sereit nostre prou; et si conueintement procuret cehte chose, ke eus nus tiegnent mie a coueituse.' She is anxious that the business should be completed successfully because it is to her advantage, but at the same time she is obviously afraid that she may be considered avaricious. The letter is interesting for the light that it throws upon Eleanor's methods; her careful manoeuvres, her shrewd appreciation of values and her anxiety lest a desire for a suitable exchange should be interpreted as something less creditable.

Many years later, when she was queen consort, Eleanor undoubtedly provoked the disapproval of some section of her people in various ways, and more than a hint of that criticism was conveyed to her by Archbishop Pecham. On ¹23 May, 1283, he wrote to her asking that she would use

1. Registrum, II 555.

her influence with the king in favour of the bishop of Winchester.¹ After some preliminary remarks upon the natural virtues of women, he begged her to try and move Edward to pity, so that 'those who say that you incline² the king to harsh acts may see and know the contrary.' More exact information as to the grievances that he had in mind is given in another letter to the queen written in the same year.³ After thanking her for letters and a gift of 'good venison from the New Forest' the Archbishop brings to her notice the state of affairs that he has discovered at Westcliff, 'our town near to Dover.' The farm of the town is in the queen's hands and, he declares, more is demanded of them than is right. As a result the people are 'destroyed and ruined', to such a degree that it were better for many of them to leave their lands and holdings than to struggle against these oppressions. Moreover, he warns her solemnly against the evils of usury: that when she takes a manor that has been acquired by the usury of the Jews, she should remember that it is 'a mortal sin to those who take usury, to those who uphold them and to those who have any part in it.'⁴ He admonishes

1. John of Pontoise, bp. 1282-1304.

2. 'Madame, nus vus requerum pur Dieu ke vous facez taunt en ceste partie, ke ceus ke dient ke vous metez le roy a fere duresces, pussent voyr e sentir le cuntreire.'

3. Registrum, II, p.619.

4. '.pernez vus garde ke usure est peche mortel a ceus qui funt la usure, e ceus qui les meintenent e ceus qui part en unt, se il ne le rendent.'

her to return to their lawful Christian owners the lands she has so acquired, keeping only due compensation for the capital sum for herself. A concluding remark once again puts the Archbishop's personal criticism into relation with a general opinion. 'I do not believe', he writes, 'that you keep in any other way things so acquired, but I should like to know this by your own letter¹ so that I may make it known to those who believe otherwise.' Apparently Eleanor's dealings with the Jews were well-known and disliked. Her letter of 1265 quoted above shows her careful of her reputation; but Pecham's remonstrances make it clear that in twenty years she had not escaped the imputation of avarice that she had hoped to avoid.

The particular case of Westcliff which Pecham mentions is interesting, since it is an example about which further information from other sources is available. The land that Eleanor held there had itself come to her indirectly through dealings with the Jews. On 10 June, 1280, Edward gave order to the treasurer and barons of the Exchequer to acquit Gilbert de Pecche of the service of one knight's fee for the manor of Westcliff 'as he has granted (it) to the king and Queen Eleanor his consort'², and in a schedule

1. 'Je ne crei pas ke vous en autre furme reteignez choses encurues, mes jo le voudreie bin savoir par vostre lettre, issi que io le puisse fere entendre a ceus qui autre chose quident.'

2. C.C.R. 1279-88, p.25.

of 'manors bought by the queen' which appears undated in ^{the} Close Roll for 1281¹, what seems to be further particulars as to its coming into royal hands are given. Sir Gilbert de Pecche, in whose hands the manor of Westcliff was, owed the queen 500 marks of a debt to Aaron son of Vives. In acquittance of this and for other debts owed to the king² he handed over to the king the manor of Westcliff with the advowson of the church - valued at £60 yearly. On 6 January, 1280, making a grant in compensation to Aaron, Edward refers to a debt of Gilbert de Pecche granted by the Jew to the queen.³ On 20 January, in a letter to Philip de Wileby 'receiver of the goods and chattels of certain condemned Jews' reference is made to a debt of 1,000 marks that Aaron lately granted to Queen Eleanor.⁴ Again in May, 1281, there is mention that Aaron has remitted to her debts in which Gilbert Pecche was bound to him.⁵ Thus, to acquit these debts, Westcliff eventually passed into the queen's keeping. Such dealing with the Jews, the acceptance of usurious debts and the acquisition of land by these means

1. C.C.R. 1279-88, p.80.

2. see below, p.42.

3. C.P.R. 1272-81, p.359.

4. C.C.R. 1279-88, p.5.

5. ibid. p.86.

was evidently unpopular, and it would appear that Pecham voiced a general disapproval. In the particular case of Westcliff, he points out that not only has she acquired it, as she has done other places, in an objectionable manner, but she has been careless of the people's well-being after acquisition, if not deliberately oppressive.

Some idea of the extent to which Eleanor was involved in such transactions may be gathered from the schedule¹ already mentioned. Of the lands there detailed as acquired by the queen, only the manor of Farleigh from Sir Roger Loveday, the manor of Dulverton from Sir Thomas du Pyn, and the unnamed estates bought from Henry de Newburgh (beside the recovery of certain possessions in the New Forest and at Somerton) appear to have been unconnected with the Jews. The examples may be dealt with in the order in which they appear. It will be found that in each case debts to the Jews had been granted to the queen and for these and for a sum of money paid by the king or queen land passes to the Crown to be held by Eleanor.

On 13 November, 1275, the king granted to his consort all the 'debts, fees, pains and usuries' in which John de Burgo² was indebted to any Jews of England, and on 26 July, 1280, all his debts to the Exchequer, he being now deceased.³ To acquit these debts and for 100 marks now paid by the

1. C.C.R. 1279-88, pp.80-81. to trace this grant.

2. C.C.R. 1272-79, p.221.

3. C.C.R. 1279-88, p.28. Laver and Roger were at death, of his debts to the prior and elsewhere are directly associated with the Jews. (40)

queen the manor of Burgh passed to the Crown.

On 9 June, 1275, the king granted to Eleanor all debts in which Bartholomew de Redham was indebted to any Jews.¹ By the schedule it appears that for his debts to Hagin, all of which had been granted to her on 15 November, 1279², and for other debts to Jews granted to her for queen's gold, the Crown retained the manor of Scotho with the advowson.

Sir William de Monte Caniso owed Hagin debts³ and also his debts to the Exchequer had been granted to the queen⁴ and in recompense for these the king retained the manor of Quenynden with the advowson.

Sir Robert de Canvill owed debts to various Jews that had been granted to Eleanor for queen's gold⁵ and for these, together with debts to the prior of Rumilly that had been taken over by the queen in October, 1279⁶, the Crown retained the manors of Westerham, Fobbing and Shenfield with their advowsons, and also the advowsons of Stamford,⁷ Laver (Little Laufare) and the church of Ongar.

1. C.C.R. 1272-79, p.184.

2. ibid. p.547. *See C.C.R. 1272-79, p.501.*

3. C.C.R. 1272-79, p.547. *See C.C.R. 1272-79, p.501.*

4. C.C.R. 1279-88, p.28.

5. It has not been possible to trace this grant. *See C.C.R. 1272-79, p.501.*

6. C.C.R. 1272-79, pp.577-78.

7. The advowsons of Stamford, Laver and Ongar were on account of his debts to the prior and therefore not directly connected with the Jews. cf. C.C.R. 1272-79, p.578.

In acquittance of Sir William de Leyburne's debts to Hagin¹ and for 500 marks paid to him by the queen, the king retained the castle of Leeds.

For the debts of Gilbert de Pecche to Aaron son of Vives,² granted by him to Eleanor³, his debts at the Exchequer granted to her⁴ and for 200 marks paid by the king the manor of Westcliff was retained by the Crown.

Sir Stephen de Cheynduyt owed debts to Hagin⁵ and other Jews, especially Manasses son of Aaron 'fully 1,000 marks' of which the queen pardoned him 300 marks. For the remainder and on account of 'other great bounty that the queen has done to him' the king retained the manor of Langley.

Sir Norman Darcy, whose debts had been granted to Eleanor⁶, owed £950 to the Jews, of which the queen pardoned him £250 while for the residue the king retained⁷ lands in the manor of Nokton to the value of £60 a year for 14 years.

1. C.C.R. 1272-79, p.547.

2. see above, p.39.

3. C.C.R. 1279-88, p.28.

4. Specifically granted to Eleanor; see C.C.R. 1272-79, p.501.

5. Granted to her 13 November, 1275, ibid. p.221.

6. ibid. pp.180,221.

7. Identified in the calendar as possibly Nocton in Lincolnshire.

8. C.C.R. 1279-88, p.28. see also ibid. Chapters. V: pp.279, 281.

Sir John de Cameys owed debts to Hagin¹ and for these and for 600 marks paid to him by the king the manors of Torpel and Upton with the advowsons of the churches came into the king's hands.

Although we are not concerned here particularly with the value of these lands, it is interesting to note that they were calculated to produce a yearly revenue of £565,² a notably considerable sum. The transactions with the Jews dealt with here represent only a small proportion of those to which she was party³, and are used to show that real importance may be attached to Pecham's indictment of the queen on this score. The examples given show how a considerable part of her endowment of land was obtained and how, in the space of a few years, many valuable lands passed in this way to the Crown. It is clear that Eleanor was to this extent involved in harsh and usurious practices - that she benefitted by them, directly or indirectly, on many occasions.

It would seem, however, that the material gains so to be obtained continued to override Eleanor's scruples, for on 13 December, 1286, Archbishop Pecham again voiced

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- L. C.C.R. 1272-79, p.547. The king had also granted to her his debts at the Exchequer. C.C.R. 1279-88, p.28.
2. The values are given in the schedule, C.C.R.1279-88, p.80-81. In addition to the debts themselves, the king's expenditure to acquire these lands amounted to £866.13.4; the queen's to £400.
3. C.C.R., C.P.R. passim: see also Tout, Chapters, V, pp.270, 271.

his disapproval in a letter¹ expressed in the strongest terms to Geoffrey of Aspale², the queen's treasurer. In it he declares that 'per regnum Angliae clamor validus invalescit et scandalum inde plurimum generatur, super eo quod dicitur dominam Reginam Angliae illustrem, cui assistitis, plura maneria nobilium, terras et possessiones alias occupare, et in suum peculium reduxisse, quae Judaei mediante voragine usurarum patrocinate curia regia a Christicolis extorserunt; et adhuc de die in diem dicitur praedicta domina nancisci praedia et possessiones alias per hunc modum'. Unless the archbishop exaggerated in his desire to impress, it would appear that Eleanor's unpopularity on this score was increasing rather than decreasing, and he asserts that this is the common opinion.³ He proceeds to point out that such gain is 'illicitum et damnatum' and commands Geoffrey, as his clerk, that he should seize any opportunity to beg the queen in his name to abstain from these practices and to restore her wrongful gains.⁴ We do not find, however, that she ever did so.

1. Registrum, III, pp.937-38.

2. See Tout, Chapters, V, pp.270-271.

3. '....et de hoc est in omni latere Angliae publica vox et fama.'

4. '....Alioquin a suis nequit absolvi peccatis nec poenitentiam agere salutem, etiam si angelus sibi contrarium asseveret.'

p. 938. Nottingham, 178; see E.P.S. vol. III 1886, pp.315-317.

One reference in the Annals of Dunstaple to the¹ queen's activity in acquiring lands may be quoted. The death of the queen is here referred to in the following words: 'Eodem anno, quinto Kalendas Decembris, obiit Elianora regina Angliae et consors regis, Hyspana genere, quae plura et optima maneria adquisivit.' This succinct remark, as the sole comment of a lively contemporary annalist, gives an indication of how Eleanor appeared to some, at least, of her subjects - the strenuous building up of estates her chief characteristic.

It is possible that Eleanor's conscience was not entirely easy on this matter, and one chronicler suggests² that she felt the bitterness of remorse at her death. He recounts her death scene in these words: 'Tertio Kalendas Decembris, anno regni regis Edwardi XIX inchoante, obiit Alienora regina consors ipsius regis, apud Herdebi³ in comitatu Lincolniae, defungentium sacramentis prius devote receptis, et fusa prece ad dominum suum regem precibus ejus annuentem, ut omnia per ipsam vel ministros suos injuste quibuslibet ablata restituerentur, et laesis satisfieret prout videretur imagis consonum rationi.' This

1. Annales Monastici: ed. Luard. R.S. III Annales de Dunstaplia, p.362.

2. Flores Historiarum, ed. H.R.Luard. R.S. III. 71.

3. Actually Harby was in Nottinghamshire; see E.H.R. vol.III (1888), pp.315-317: and his queen's death occurred 'quinto kalendas Decembris' i.e. 28 November.

might perhaps be dismissed as nothing more than an imaginative description of conduct considered appropriate to a death-bed, did it not find confirmation in record evidence. The king's instructions to the commissioners of the inquiry of 1291-92 were prefaced by the explanation that it was to be undertaken 'quia celebris memorie Alianora Regina Anglie consors nostra in sua ultima voluntate specialiter nos rogavit ut gravamina per ipsam et senescallos, Ballivos ac ministros suos¹ quibuscumque illata corrigi modo debito faceremus'

Eleanor, clearly, was conscious that there were wrongs to be redressed, injuries that might be laid to the account of herself and her officials. From these scattered indications, then, it is possible to draw somewhat tentative conclusions as to the personal influence of Eleanor in matters relating to her lands. The evidence, such as it is, would seem undoubtedly to indicate that on many occasions she was actuated by a harsh and material spirit which, for the sake of gain, did not refrain from those usurious practices that so profoundly disturbed one of the deepest prejudices of her age. She appears to have turned a persistently deaf ear even to

1. Registrum Kempe. B.M. Harl. 645.f.208b. See Appendix III.

the solemn admonitions of the Church, to be pursuing much the same course in 1265 as she was twenty years later, and to have roused resentment against herself. On the other hand - evidence of that resentment comes chiefly from the pen of Archbishop Pecham, and he may well have exaggerated the bitterness of others against her in the hope that he might in that way move her to give up practices that he detested. In fact the evidence is too slight a foundation for any comprehensive indictment, especially when it is remembered that these are the only evidences available - apart from such light as the commission of 1291-92 itself may throw - for the whole of the thirty-six years during which she was Edward's wife.

She was at work certainly in 1291-92. The activities of the two sets of officials were intimately connected one with the other. The queen's ministers were the defendants in the cases heard before the 'auditores querelarum' and had to suffer amercement or other penalty if they were found guilty of the alleged crimes and misdemeanours. But the payment of arrears of rents or dues, the damages for losses sustained, the reinstatement of persons dispossessed, and so forth, ordered by the justices, lay with the queen's executors. Consequently, it is in the

1. The formulae run as follows: 'igitur consideratum est quod A. recuperet ex versus executores testamenti domine regine': or 'quod recuperet reginam suam . . .'. Occasionally, where the gain has fallen into the hands of the minister himself he made responsible for the damages or loss, e.g. A.R.1314. *ibid.* William le Wyte v. W. of Kent. *ibid.* A.1314. Henry le Frere v. the same.

P A R T II

Machinery at work after the queen's death for the settlement of her affairs: A. The Queen's Executors; B. The Commission 1291-92.

The task of settling the affairs of Queen Eleanor after her death on 28 November, 1290, was placed in the hands of two bodies of officials, namely, the executors of her will and a judicial commission appointed to inquire into complaints against the ministers of the queen which was at work certainly in 1291-92. The activities of these two sets of officials were intimately connected one with the other. The queen's ministers were the defendants in the cases heard before the 'auditores querelarum' and had to suffer amercement or other penalty if they were found guilty of the alleged crimes and misdemeanours. But the payment of arrears of rents or dues, the damages for losses sustained, the reinstatement of persons dispossessed, and so forth, ordered by the justices, lay¹ with the queen's executors. Consequently, it is in the

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accounts of the executors that the fulfilment of the awards of the commissioners is frequently to be found.

A. THE QUEEN'S EXECUTORS.

Robert Burnell, bishop of Bath and Wells, Chancellor of the kingdom; Henry de Lacy, earl of Lincoln and John of Berwick, king's clerk and keeper of the queen's gold are the first persons whom we find named as executors of Eleanor's will.¹ This document itself appears not to have survived. Something of its nature and contents, however, may be inferred from a study of the payments made by her executors, whose bequests and donations may be supposed to have been in accordance with the queen's expressed desires.² The long list of her charitable bequests largely took the fashionable form of donations on a large scale to the various orders of friars. Other considerable sums were disbursed by them to pay for material and craftsmen to carry out the king's designs for the commemoration of his queen, by means of crosses and the effigies at Lincoln and at Westminster. With neither of these two classes of 'liberationes' are we here concerned.³ A third

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1. C.C.R. 1288-96, p.203.
 2. A transcript of the accounts of Eleanor's executors was printed in 1841 by the Roxburghe Club in Manners and Household Expenses in the Thirteenth and Fifteenth Centuries. ed. Beriah Botfield. The original accounts are preserved in the Public Record Office (see List and Index XXXV, E.101. Bundles 352/27; 353/1,9,19).
 3. Botfield deals fully with the more antiquarian aspects of these accounts: with particular reference to the commemorative crosses and effigies.

class, however, the frequently recurring 'emendae', is intimately connected with the results of pleadings before the judicial commission and on many occasions supplies valuable additional evidence as to the scope of the amends that had to be made in the name of justice¹ after Eleanor's death. These will be dealt with later.

The original executors continued unchanged until² Burnell's death on 25 October, 1292. It is interesting to notice that two of the three, Robert Burnell and Henry de Lacy, were also among the original seven commissioners to whom had been entrusted the hearing of the complaints against the king's ministers.³ Both were men of the highest distinction and justly famous for their long and devoted services to the Crown. John of Berwick, their colleague, was a distinguished servant in the ranks of the purely administrative officials of the Crown.⁴ As early as 1280 he was a clerk of the king and was so designated until the end of the reign. He was frequently employed as a justice in eyre and of oyer and terminer and on several occasions was entrusted with diplomatic missions

1. Appendix **VI** and pp. 182 - 183.

2. C.C.R. 1288-96, p.243; C.P.R. 1281-92, p.510. Burnell, Lacy and Berwick are still named on 20 Feb.1292, C.P.R. 1281-92, p.478, and in April, C.C.R. 1288-96, p.261.

3. T.F.Tout and H.Johnstone: State Trials in the Reign of Edward I. (R.H.S. 1906). Introduction p.xxi.

4. C.P.R. 1272-81, p.378.

both abroad and in Scotland.¹ In the present connection he is notable chiefly as an official of the queen's wardrobe. In 1285 he was keeper of the queen's gold² while from 1286 until her death he was keeper of the queen's wardrobe.³ The choice of Berwick, therefore, was a natural one. To the distinction, devotion and integrity of his colleagues, he contributed an intimate working⁴ knowledge of the queen's financial affairs.

After the death of the chancellor, it appears that new appointments were made to supply his place, but the names of the appointed officials do not appear. As hitherto the chancery enrolments had frequently abbreviated their reference to 'Robert, bishop of Bath and Wells and his co-executors', so after October, 1292, they refer to 'Henry de Lacy, earl of Lincoln, John de Berewyk and other⁵ executors of the will of Queen Eleanor.' It has not yet been possible to penetrate their anonymity.

After Eleanor's death all the lands that were in her

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1. e.g. C.P.R. 1292-1301, p.537; C.C.R.1302-7,p.106.
ibid. 1301-07, p.10.
 2. C.P.R. 1281-92, p.213.
 3. See E.101 Bundle 352/7, P.R.O. (Accounts Various. List and Index XXXV) and Ad.MS. 35,294, B.M.
 4. See also Tout, Chapters, II, p.42. Note 2; p.83, text and Note 2.
 5. e.g. C.C.R. 1288-96, p.320; C.P.R. 1292-1301, p.56.

hands at that date, with the exception of those in Worcestershire, Derbyshire, Hampshire and the Isle of Wight, were given over by the king to her executors for the satisfaction of debts and claims, the payment of legacies and gifts.¹ They remained in their hands until 30 September, 1296, when they were finally handed² back to the king. Their accounts for nine terms of this period, from Michaelmas term 19 Ed.I (1291) to Hilary term 22 Ed.I (1294) give some useful information. From Michaelmas term, 1291, to Easter term, 1293, the payments

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1. Ministers' Accounts. 1090/4,5. (P.R.O. List and Index V). It is interesting to note that as early as 10 Feb. 1275 a grant was made to Eleanor 'with respect to her debts, as well those incurred by reason of her pilgrimage to the Holy Land, as those to merchants and other creditors that the executors of her will may receive for five years after the day of her death all the issues of the lands which she holds in the realm and the county of Chester by grant of Henry III.' C.P.R. 1272-81, p.79.
 2. Ministers' Accounts. 1090/4. Heading to roll: 'Compotus Humfridi de Waledene et Johannis de Crokesle de exitibus omnium terrarum et tenementorum que fuerunt bone memorie domine Alianore quondam Regine Anglie consortis domini Edwardi regis in Anglia et que post mortem eiusdem Regine in manibus executorum testamenti eiusdem, ex concessione dicti regis fuerunt' preter omnes terras et tenementa que fuerunt prefate domine Regine in comitatibus Wigorn', Derb' et Suthampton' tam infra Insulam Vectam quam extra a XXX die Septembris anno regni predicti regis Edwardi vicesimo quarto quo die omnes terre et tenementa predicta in manu predicti domini regis extra manus executorum predictorum una cum omnimodis Bladis et aliis bonis prefate domine Regine in eisdem remanentibus devenerunt'

sanctioned by the executors were made by the hands of John Bacun and Richard of Kent, appointed on 3 January, 1291.¹ In Trinity and Michaelmas terms, 1293, John Bacun was still making payments, but the place of Richard of Kent, now dead, was taken by Robert de Middelton, executor of his will.² These two officials continued to discharge this function also in Hilary term, 1294. In January, 1291, John Bacun and Richard of Kent, described as clerks of the king, were appointed to sue for, levy and receive all the debts due to the late queen in England, and to account with her executors for the same;³ while in June the same year the treasurer and chamberlains were ordered to cause all money received from the issues of the queen's lands to be delivered to them as attorneys of the executors of her will.⁴ The choice of these particular officials was possibly dictated in part by the fact that they were already well-known to Berwick, on whom, no doubt, much of the practical work fell. In 1283, John Bacun is referred

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1. E. 372/143, m.36; cf. C.P.R. 1281-92, p.420, where the date is given as 3 February.
 2. E. 372/143, m.36. It is stated here that John Bacun and Richard of Kent were receiving from 3 January, 1291, to 24 May (Holy Trinity), 1293: Robert de Middelton taking Richard's place from 14 June, 1293, to 6 March, 1294.
 3. C.P.R. 1281-92, p.420; see also E. 372/143, m.36.
 4. C.C.R. 1288-96, p.172.

to as one of the 'men' of John of Berwick¹, while in 1289² he and Richard of Kent were his attorneys. In addition,³ Bacun had also been a clerk of the queen.

Robert de Middelton, who from June, 1293 took Richard of Kent's place as a receiver, had also previously been employed in the settlement of Eleanor's affairs. In August, 1292, he was appointed with Philip de Trillawe to audit the accounts of those bailiffs, farmers and ministers who had had the custody and administration of Eleanor's lands, either during⁴ her lifetime or until the Michaelmas following her death.

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1. C.P.R. 1281-92, p.91.
 2. C.C.R. 1288-96, p.3. In this instance they were employed indirectly upon the queen's business, to receive, on behalf of John of Berwick, the issues of certain fines and amercements granted to her use.
 3. November, 1289. C.C.R. 1288-96, p.56.
 4. C.P.R.1281-92, p.519. For the audit in Somerset and Dorset, of which counties Eleanor had had the custody since 1285 (see p.13 above), Middelton and Trillawe were joined by Henry de Ponte. It may be noted here that John Bacun was entrusted with other responsible duties at about this time. In Apl. 1292, he was appointed to the custody of the rolls and writs of the Bench (C.P.R.1281-92,p.485). His connection and that of Robert de Middelton with John of Berwick continued to be close: they were together nominated his attorneys in 1296 and 1297 (C.P.R.1292-1301,pp.221,238). In 1297 Middelton died (C.C.R.1296-1302,p.103), but Bacun continued to be employed as a justice of oyer and terminer until the close of the reign. In a paper read to the Soc.of Antiq. in Mar.1841, and subsequently published in Archaeologia, vol.XXIX,in 1842, the Rev.J.Hunter suggests that the receivers Richard of Kent and Robert de Middelton were one and the same person (P.176,f'tnote K). He produces no evidence in support of his suggestion which is certainly incorrect. Allusions to both these officials in the executors' accounts and elsewhere among Chancery enrolments as having been connected with the work are distinct and mutually corroborative, whilst the perfectly clear statement and explanation given on the Pipe Roll for 1297-98 (E372/143,m36) establish the point beyond question. The note contains other inaccuracies (see below, p.62.).

A number of payments in connection with these appointments appear among the executors' accounts and may be noticed here,¹ In Hilary term, 1292, John Bacun and Robert de Middelton were entrusted with the distribution of alms to poor scholars, Austin friars and Carmelites at Oxford,² and for performing this duty they were paid 20s., whilst in Easter term of the same year the sum of £40 was paid³ for the year's expenses of Bacun and Richard of Kent.⁴ Their fees for three terms paid at Easter, 1293, 'quolibet eorum percipiente pro feodo suo, per annum xx.l.' amounted to £30.⁴ A similar sum was paid 'in expensis auditorum compotorum de terris Reginae, senescallorum et ballivorum, post mortem Reginae apud Londoniam' in Easter term, 1292;⁵ and the auditors, Philip de Trillawe and Robert de Middelton, also received in Michaelmas term, 1292, the sum of 60 shillings 'pro compoto Reginae faciendo' in the counties of Norfolk, Suffolk and Cambridge.⁶ Various other payments were made to messengers for carrying letters regarding

1. In every case the reference given is to Botfield's transcript in Manners and Household Expenses.

2. p. 109. It is interesting to notice

3. p. 115.

4. p. 127.

5. p. 115. For this term, which is the earliest surviving.

6. p. 120. Every inquiry and arrangement preceded the actual making of payments and putting into execution of the will.

the account to Roger de Walecote, Moses of Waltham, John son of Thomas, Robert de Bures and Richard de la Ho¹ - all of whose names are familiar to us as bailiffs of the queen. In Michaelmas term, 1291, counters, parchment and a hanaper were purchased for the making of the executors' account², 'ad domum Domini Othonis de Grandisono.'³

The duty of administering and receiving the revenues from the queen's lands and wardships, therefore, was performed by the executors Robert Burnell, Henry de Lacy and John of Berwick, with some other person or persons unknown after 25 October, 1292, and the clerks John Bacun, Richard of Kent and Robert de Middelton. In Michaelmas, 1298, the accounts of the executors and receivers were presented at the Exchequer, John Bacun and Robert de Middelton (for himself and Richard of Kent) being acquitted of their account. In all the sum of £13,134. 6s. 8 $\frac{1}{4}$ d. was accounted for, the outgoing payments amounting to £12,701. 6s. 5 $\frac{3}{4}$ d. John of Berwick, on behalf of the executors, assumed responsibility for the balance of the account, amounting to £433. 0s. 2 $\frac{1}{2}$ d. It is interesting to notice

1. pp. 95-96.
2. p. 96 These purchases would suggest that perhaps the account for this term, which is the earliest surviving, was actually the first to be made. No doubt a good deal of preliminary inquiry and arrangement preceded the actual making of payments and putting into execution of the will.
3. At this date *Keeper of Jersey and Guernsey* -

that this was not paid until 5 Edward II.¹ The custody of the lands themselves and the collection of their revenues was entrusted to a number of different people. It would appear that a general responsibility was assumed by Humphrey de Waleiden, to whom by January, 1292, the custody of all Eleanor's lands in England had been deputed.² From Michaelmas, 1296, to Michaelmas, 1297, he, together with John de Crokesle were³ still accounting for all the queen's lands (except those in Worcestershire, Derbyshire, Hampshire and the Isle of Wight) which had just been restored to the king by the executors, and as late as Michaelmas, 1301,

1. E. 372/143, m.36. 'Et sciendum quod dictus compotus redditus est ad scaccarium coram Baronibus per predictos Iohannem per se et dicti Ricardo/Robertum nomine Iohannis de Berewyke et aliorum executorum testamenti dicte Regine in presencia dicti Iohannis de Berewyke qui coram eisdem baronibus recognoscit compotum predictum esse compotum suum et coexecutorum suorum predictorum et quod tenetur in arre ragiis predictis et quod acquietare debent predictos Iohannem Bacon Ricardum et Robertum de eiusdem arreragiis versus quoscunque etc.'

The executors of John of Berwick finally accounted for the balance of the account and were acquitted thereof in 1312, see Pipe Roll. (E 372/157 'Residuum Suthamptonie').

2. C.P.R. 1281-92, p.468. The actual appointment does not appear but was possibly somewhat earlier than this writ of intendendo. Richard de Geyton, king's clerk, had been appointed similarly to the custody of the lands in Ireland, with power to sue for debts, in January, 1291, *ibid.* p.419.

3. Ministers' Accounts, 1090/4. Heading, m.1.

2. C.P.R. 1272-1307, p.387.
ibid.

3. C.P.R. 1281-92, p.437.

4. C.P.R. 1290-1301, p.851.

In January, 1292, the same lands were committed to Humphrey and John were still in charge.¹ him in the name of R. Bishop of Bath and Wells and his

While the main body of the lands was being administered by the executors, however, it appears that in certain cases grants were made to individuals. Her estates at Haverford, for instance, and the castle there, were granted to Walter de Pederinton and Leeds Castle to John Bacun ; while in some other cases the custody 'during pleasure' was conferred. It is difficult to distinguish with certainty such grants were inconsiderable and the main bulk of the lands, by whose authority these grants were made. One or two cases suggest that both king and executors had some exception, remained in the executors' hands until Michaelmas, sanction in the matter. On 11 June, 1291, the custody

during pleasure of two parts of the manor of Tothill in

In this way it is possible to piece together the Lincolnshire was granted to Geoffrey Justice 'with the process whereby the money at their disposal passed into the assent of the executors of the will of Eleanor', and again, on 24 September, 1298, the king granted 'for himself and whose claims against the queen's estate were admitted. In the executors of the will of Eleanor' the custody of certain the first place, the lands of the queen, with 4 the important lands to the bishop of Coventry and Lichfield. Again, exception of those in Worcestershire, Derbyshire, Hampshire in January, 1291, Robert de Bures was ordered to deliver and the Isle of Wight, were left, after her death, in the the castle of Haverford and the queen's lands in those parts to Walter de Pederinton, 'the king having committed namely, until Michaelmas, 1296. Receivers, John Bacun and the same to Walter during pleasure'; while a year later, Richard of Kent, were appointed in January, 1291, to

1. M.A. 1090/5. debts due to the queen, and to sue for any

2. C.F.R. 1272-1307, p.287.

1. ibid. p.288.

3. C.P.R. 1281-92, p.432. p.302.

4. C.P.R. 1292-1301, p.263.

in January, 1292, the same lands were committed to him 'in the name of R. bishop of Bath and Wells and his coexecutors of the will of Queen Eleanor.'¹ It is possible that these instances in which both king and executors are expressly mentioned as parties to the grant were exceptional: on the other hand, the implication in other cases may be that the grant was made by the king at the instance of the executors. In any case, the number of such grants was inconsiderable and the main bulk of the lands, with the exception of those in the counties originally excepted, remained in the executors' hands until Michaelmas, 1296.

In this way it is possible to piece together the process whereby the money at their disposal passed into the hands of the executors and was thence distributed to those whose claims against the queen's estate were admitted. In the first place, the lands of the queen, with the important exception of those in Worcestershire, Derbyshire, Hampshire and the Isle of Wight, were left, after her death, in the hands of her executors for a period of nearly six years, namely, until Michaelmas, 1296. Receivers, John Bacun and Richard of Kent, were appointed in January, 1291, to receive all the debts due to the queen, and to sue for any

1. e.g. C.F.R. 1296-1302, p.233.

C.F.R. 1272-1307, p.302.

that were not forthcoming. They were also to receive all the issues of her lands and were to account for them to the executors. In England, a general custody of those lands was entrusted to Humphrey de Waleiden, while in Ireland, Richard de Geyton was given a similar charge. In August, 1292, Robert de Middelton and Philip de Trillawe were appointed to audit the accounts sent in by the bailiffs, farmers and other ministers. Finally, the sums so received and the disbursements made were accounted for by John Bacun and Robert de Middelton in the presence of John of Berwick at the Exchequer in Michaelmas, 1298.¹

appointed Ralph of Ivinghoe, Henry Huse, Roger Burd and the friars John of Warwick, Robert Faverel, John de Clare and John de Montacute his justices to hear and determine all complaints brought against the stewards, bailiffs and other ministers of the queen, in any place where she had held lands.² The inquiry was set up in response to the dying

1. This name appears as Bourt in the executors' accounts.

2. 'Registrum Kempe'. B.M. Harl. 645 f. 208b. The text of this letter patent is given in full, Appendix III.

See also pp. 43-4 below.

1
requests of the queen herself. Probably Edward was
one more willing to accede to her request since the
proceedings against his own ministers - 'our one great
B. THE JUDICIAL COMMISSION, 1291-92.

judicial scandal' - (as a result of which the Chief Justice
of the Bench was removed from office).
For a portion of the time that the affairs of the
queen were in the hands of her executors, some aspects of
them were also occupying the attention of a specially
appointed judicial commission. During Hilary, Easter and
Michaelmas terms, 1291- and Hilary and Easter terms, 1292,
an inquiry was being made into complaints against the
ministers of the late queen. On 6 January, 1291, Edward
appointed Ralph of Ivingho, Henry Huse, Roger Burd and the
friars John of Warwick, Robert Peverel, John de Clare and
John de Montacute his justices to hear and determine all
complaints brought against the stewards, bailiffs and other
ministers of the queen, in any place where she had held
lands.² The inquiry was set up in response to the dying

2. W. H. Halliwell. The Mirror of Justices (Selden Soc.), p.
XXIV.

1. This name appears as Bourte in the executors' accounts.
2. 'Registrum Kempe'. B.M. Harl. 645 f. 208b. The text of this letter patent is given in full, Appendix III.

See also pp 163-4 below.

requests of the queen herself. Probably Edward was the more willing to accede to her request since the every circumstance of scandal, were already in progress. proceedings against his own ministers - 'our one great though there is ² no direct connection between the two judicial scandal' - (as a result of which the Chief Justice of Common Pleas, the Chief Justice of King's Bench and

1. See p.46 above. The Rev. Joseph Hunter, referring to the commission in his article in Archaeologia, vol. XXIX (p.176 seq.) implies that Ivinghoe's commission was set up because 'towards the expiration of a year after the queen's decease there were many claims against her still unliquidated' (footnote K, p.176). Presumably he deduces this from the fact that the 'auditores querelarum' are frequently mentioned in the surviving executors' accounts - which date only from Michaelmas term, 1291. It is clear, however, that the commissioners began their investigations as early as January, 1291 (see p.69 below).

(1) The Commissioners.

He goes on to say that 'Persons under the name of Receptores were also appointed through whose hands the money passed which was adjudged by the court. But beside attending to the Querelae, to the same persons was committed the carrying into execution of the Queen's will (of which Robert Burnet, the chancellor, was the chief executor)'. He is obviously confused as to the relative functions of executors, receivers and auditors, the nature of whose appointments he does not attempt to explore further.

2. F.W.Maitland. On The Mirror of Justices (Selden Soc.), p. XXIV.

which remain unnamed in comparative insignificance. In this connection it is interesting to notice the sums paid as expenses to the commissioners that appear among the executors' accounts. The expenses in Michaelmas term, 1291,

1. State Trials. Introduction. The trials of Edward's ministers were proceeding from Apr. 1290 to the summer of 1293, ibid. p. XX.

2. The heading to m.f. A.R. 502 runs: Placita contra magistrum Radulphum de Ivinghoe et (62) in suis iudicialibus ad querelas . . . assignatis etc. and this, with appropriate variations of date and place, is repeated wherever a heading is used.

other high officials were removed from their offices with every circumstance of scandal), were already in progress.¹ Though there is no direct connection between the two inquiries, Edward was perhaps not averse from including any abuses that might come to light in a general cleansing of stables that had become Augean. Moreover, such an inquiry was useful not only to ensure justice for the wronged 'pro salute anime domine Regine', but also to secure her executors from the inevitably abundant false claims upon her estate, and the Crown from consequent loss.

(1) The Commissioners.

Of the seven persons entrusted with the work of inquiry all were not of equal importance. Master Ralph of Ivingho appears to have been at the head of the commissioners. In the rolls of the commission he is the only justice mentioned by name;² and similarly in references to the awards of the commission among Chancery enrolments his colleagues on the bench remain unnamed in comparative insignificance. In this connection it is interesting to notice the sums paid as expenses to the commissioners that appear among the executors' accounts. The expenses in Michaelmas term, 1291,

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1. State Trials. Introduction. The trials of Edward's ministers were proceeding from Ap. 1290 to the summer of 1293, ibid. p.XX.
 2. The heading to m.1. A.R. 542 runs: Placita coram magistro Radulpho de Ivingho et sociis suis iusticiariis ad querelas assignatis etc.': and this, with appropriate variations of date and place, is repeated wherever a heading is used.

of Ralph of Ivingho, Henry Husee and Roger Burd are rated at ten marks each, while the four friars receive,¹ apparently, only ten marks between them.

Of the seven, only Ivingho himself can be clearly identified. Master Ralph de Ivingho was a fairly well-known official, a clerk who in 1285 and afterwards was² Chancellor of St. Paul's, London. In that year he was appointed, with another, to audit the account of the fifteenth³ of the clergy, and from this date until 1288 he was frequently employed by the Crown in affairs relating to the taxation of the Church.⁴ A person of some substance, he was named by the Sheriff of Surrey and Sussex in May, 1297,⁵ as holding £20 or more of land and rents in those counties.

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1. B. Botfield: op.cit. p.100. Michaelmas Term, 1291.
'Magistro Radulpho de Yvingho auditori querelarum ballivorum Regine de dono executorum pro expensis suis X marc.
Item. Rogero Bourt, socio suo pro eodem, eodem die X marc.
Item. Magistro H. Husee, socio suo pro eodem X marc.
Item. fratribus Praedicatoribus sociis suis pro eodem V marc.
Item. fratribus Minoribus de societate predicta pro eodem V marc.
Michaelmas Term, 1292: a further entry;(p.120)
'Item, fratribus Johanni de Monte Acuto et Johanni de Clare pro labore eorundem in societate Radulphi de Ivingho, auditoris querelarum super ministros Regine de dono executorum Regine' 1j marc.
 2. C.P.R. 1281-92, p.185.
 3. ibid.
 4. ibid. pp. 222,223,303,312.
 5. Parliamentary Writs I, 293-4.

1

Henry Husee¹, a tenant-in-chief of the Crown who may perhaps be identified with Ivingho's colleague, entered upon his lands only on 26 August, 1290. From 1294 onwards he received frequent summonses to pay military service in person, and between 1295 and the end of the reign he was seven times summoned to Parliament by special writ.²

Roger Burd (Bourton, Burton or Bourt) is still more elusive. He may, perhaps, be identified with Roger de Burton who was summoned amongst the justices and others of the Council to the Parliament at Westminster on 1 August, 1295³, and as Knight of the shire for Westmoreland to the Parliament at York at Whitsuntide, 1298.⁴ One /Roger de Burton was also appointed in 1304 as a justice of gaol delivery at

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1. Many variants of this name are found: e.g. Huse, Hussee, Hose.
 2. Parliamentary Writs I. p.678 (Alphabetical digest of writs). Henry Husee, Knight of the shire for Sussex, was also summoned to Parliaments in 1290, 1298, 1301 and 1307 (ibid.) The editors of this Calendar hesitate to identify him with the tenant-in-chief who bears the same name, on the ground that a Knight of the shire would hardly on other occasions be the recipient of a special writ. More conclusively, perhaps, it may be noted that both Henry Husee, tenant-in-chief, and Henry Husee, Knight of the shire for Sussex, were summoned each in his appropriate manner to the Parliament at Carlisle, 20 Jan. 1307. This being so, we are presented with a problem of identity which in the absence of corroborative evidence can hardly be solved. We have to admit that Henry Husee, Knight of the shire for Sussex, may have been Ivingho's colleague on the bench rather than the other. In both cases, lack of other evidence makes it virtually impossible to identify the individual concerned.
 3. Parliamentary Writs I. p.29.
 4. Parliamentary Writs I. p.76.

¹
Carlisle. It is noteworthy that none of the justices appointed is of really distinguished judicial rank, nor among those whom the king most frequently employed upon his affairs.

2

(iii) Conduct of the inquiry.

When appointing the justices for this commission, Edward gave very precise instructions as to the method of conducting the inquiry - 'ut vobis liquidius constet qualiter in premissis procedere debeatis'. The 'auditores querelarum' were to name and make known the dates and places at which complaints would be heard. At the same time, order was made to the sheriffs of all counties in which the late queen held land to proclaim, without delay, 'pupplice et sollempniter', that all wishing to make complaint against the stewards, bailiffs or other ministers of the queen were to present themselves before the justices. The accused ministers were to appear likewise. An important particular was that the justices were given authority to remove ministers from their offices pending the inquiry, and even ³ before any complaints had been heard. On arrival at each

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1. Cal. Ch. Warrants I (1244-1326), p.3
 2. All these instructions are included in the letter patent making the appointment, the full text of which is given in Appendix III.
 3. '... vobis damas tenore praesentium potestatem huiusmodi ballivos et ministros a balliis suis ammovendi antequam querelas audiat.' X

centre of inquiry first of all the complaints and the replies to them were to be heard with the greatest care (exactissime), and the justices were to summon juries of true and lawful men, 'tam milites quam alios probos', from the districts to which the accused ministers belonged. Those who were found guilty of the charges brought against them were to be punished according to their misdeeds and forthwith expelled permanently from their offices. Those who honourably acquitted themselves were to be dealt with at the discretion of the justices.

In this way, Edward started vigorously upon the task of carrying out Eleanor's last requests, and removing from her name the tarnish of injustice and harsh dealing. A court was set up, its justices endowed with wide powers and closely instructed, little over a month after her death.

(iv) Itinerary of the Court.

The Assize Rolls which record the proceedings of 1291-92¹ are certainly incomplete and therefore cannot be relied upon as indicating the whole territorial scope of the inquiry. They deal with proceedings at three centres: Westminster, Bury St. Edmund's and Salisbury.² The relation

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1. P.R.O. List and Index IV. A.R. 542, 836, 1014.
 2. The relation of the surviving records of the proceedings at these three centres to the extent of the whole inquiry must remain uncertain. The summoning of a jury to Northampton (Nicholas Bordonn v. John le Botyller, A.R. 542, m. 11d and Roger Bygod v. John de Ponte, A.R. 836 m. 9, see below pp. 68, 70.) makes it clear that we are not dealing with the total bulk of evidence.

between the centres chosen for the inquiry and the main groups of Eleanor's lands is clear: Westminster - pre-eminently suitable and convenient for the dealing with grievances from the Home counties, Oxfordshire and Northamptonshire; Bury St. Edmund's - drawing in case after case from Norfolk (particularly), Lincolnshire and Suffolk, from the great blocks of lands that had centred around her original dower lands there; Salisbury - an obvious centre for complaints coming from the important holdings in Hampshire, Wiltshire, Dorset and Somerset, with an occasional case from the more scattered possessions in Worcestershire and Gloucestershire. Everything points to there having been another centre (or centres) of inquiry whose records have not survived, and this may be the explanation of the fact that the extant rolls are occupied almost exclusively with complaints from the South, South-eastern and Southern-midland districts. It would seem unlikely that Eleanor's officials in other parts of the country were entirely free from the vices of which those in these districts were indicted: alternatively, there must have been at least one other centre of inquiry to draw into the net offenders in the more northerly estates. The summoning of a jury in the case of Nicholas Bordonn v. John le Botyller¹ and in that of Roger Bygod v. John de Ponte

1. A.R. 542, m.IId and A.R. 836, m.9; for the significance of the date of this jury see p.70.

to Northampton possibly furnishes the clue to one such. If Northampton was a centre, whose records are now lost, it is again a readily explicable choice.

A comparison of the dated headings to each membrane makes it possible to trace the passage of the commissioners from one centre to another.¹ The activities of the justices commenced at Salisbury.² There, complaints were dealt with in a compact mass at the close of January, 1291, 'a die Sancti Hyllarii in quindecimos dies.'³ Certain of the cases were drawn to Westminster to be concluded there, either before the commissioners or coram rege at various later dates,⁴ but the inquiry at Salisbury itself did not extend beyond January. At Bury St. Edmund's pleas were heard at the close of Easter, namely, April 30, 1291.⁵ At Westminster the proceedings were far more protracted. Ivingho and his colleagues were hearing cases there in February, March, June and October, 1291, and in January and April, 1292.⁶

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1. For list of dated membranes see Appendix IV.
 2. A.R. 1014 and A.R. 542, membranes 7 and 8.
 3. 27 January.
 4. An analysis of the cases dealt with coram rege is attempted on pp. 165-173.
 5. A.R. 836. The heading to m.l.d. 'de crastino clausae Pasche, anno vicesimo' appears to be an error, albeit a somewhat curious one, for 'anno decimonono'. There is nothing to suggest that the cases enrolled on m.l.d. were heard at a later date than the main inquiry there.
 6. A.R. 542.

It appears, therefore, that the justices appointed on January 6, 1291, proceeded almost immediately to Salisbury, where they were engaged during the last days of January. By 21 February they were at work at Westminster, where they remained until after Easter.¹ On the morrow of the close of Easter, namely, April 30, they commenced their activities at Bury St. Edmund's. On 1 June they were once again at Westminster, where they were hearing cases also in October. In this connection it is interesting to notice that the juries summoned to Northampton² were called for the 20 and 22 June respectively, a circumstance that helps to bridge an otherwise unexplained gap between the proceedings at Westminster on 1 June, 1291, and their resumption on 6 October. An inquiry at Northampton and possibly elsewhere may have intervened between these dates. The inquiry at Westminster continued into the following year, when the justices were hearing complaints certainly in January, March and April.

Provision was made for the settlement of Eleanor's affairs, then, in two ways:

- a) The nomination of executors, endowed with revenues for a period of years to carry out the provisions of the queen's will and satisfy legitimate claims against her estate;
- and b) The appointment of justices, to form a special court of inquiry, with wide powers to investigate and punish such misdeeds as might be proved against the queen's officials.

1. Easter Day, 1291, fell upon 22 April.

2. see above, p.67.

It is with the procedure and findings of this commission, and their significance in administrative and legal history, that we are now concerned.

P A R T III

THE INQUIRY.

The alleged offenses.

The misdeeds of which Eleanor & associates, and frequently Eleanor herself, were accused, were very miscellaneous in character, so that it is difficult to find any really satisfactory grouping of the cases before us. For the sake of convenience, however, they may be considered in four main groups, to be more fully divided in a detailed analysis, as follows:

- 1 The first and largest group deal with matters of seizure or retention of land, goods or chattels; seizure of beasts, goods or chattels; seizure of rights in common land; forcible dispossession.
- 2 A second group including wrongful taking of cattle, services or dues, false arrests, wrongful execution of services, disturbance of rights and the right of appeal of privileges.
- 3 A third group containing charges of failure to do justice or law - taking of money, wrongful attachment or distress, denial of justice, unjust demands for queen's gold, wrongful seizure of acquisitions.
- 4 A fourth group of miscellaneous offenses.

Any attempt at an analysis of the results of the cases, or estimate of the extent to which the charges as a whole may

P A R T I I I

THE INQUIRY.

The alleged offences.

The misdeeds of which Eleanor's ministers, and frequently Eleanor herself, were indicted, were very miscellaneous in character, so that it is difficult to find any really satisfactory grouping of the cases before us. For the sake of convenience, however, they may be considered in four main groups, to be again subdivided in a detailed analysis, as follows:

- I The first and largest group including wrongful seizure or retention of lands, rents or wardships; seizure of beasts, goods or money; eviction from rights in common land; forcible enfeoffments.
- 2 A second group including wrongful increase of rents, services or dues, false extents, wrongful exaction of services, disputed suit of court and the withdrawal of privileges.
- 3 A third group containing charges of failure in the processes of law - false indictments, wrongful attachment or distraint, amercement or imprisonment; unjust demands for queen's gold; wrongful holding of inquisitions.
- 4 A fourth group of miscellaneous offences.

Any attempt at an analysis of the results of the cases, or estimate of the extent to which the charges as a whole may

be considered to have been proved is postponed (except in so far as the results of cases used as examples are noted) to a later chapter¹: here we are concerned only with the offences alleged, as such. As a rule the cases are not spectacular. In the inquiry of 1289-93 into the misdeeds of Edward's ministers, the commissioners were dealing with the justices of the Bench, the lions of the official world, as well as with lesser men: in Ivingho's inquiry reeves, bailiffs and stewards upon the queen's lands - or at best an erring justice of pleas of the forest - are the main concern of the 'auditores querelarum.'²

Robert, father of Nicholas, was turned out of his holding, which was worth 50s. a year, and Nicholas is still unable to regain possession - to his damage, 120s. Summerville, John of

a) Wrongful seizure of lands, rents or wardships.

Some sixty or seventy entries come directly under this heading, and a large number of others belong in part to this category of offences. Taken as a whole, they present a vivid picture of the difficulties and dangers of mediaeval land-holding, and the labyrinthine problems of seisin and possession. Frequently the pleas are not a straightforward matter of novel disseisin: they are more often complicated by sub-enfeoffments, the intricacies of grants in dower or the custody of wardships, by fines and agreements - sometimes overlaid so thickly one upon the other as to make the disinterment of the true original

state of affairs almost impossible. Sometimes the auditors were obliged to undertake the laborious investigation of each stage of earlier judicial proceedings leading up to the existing situation, scrutinising the documents relative to each step and fully investigating the awards of other courts.

Some examples of disseisin in as straightforward a form as possible may first be quoted. Nicholas Bordonn complains that his father bought land at Didmarton in Gloucester and was duly enfeoffed by John of London and held this land well and in peace for a long time until John le Botyller came and gave the queen falsely to understand that that land had been formerly 'ad opus regine.' Therefore, Robert, father of Nicholas, was turned out of his holding, which was worth 50s. a year, and Nicholas is still unable to regain seisin - to his damage, £20. Meanwhile, John of Woodrow has been left in possession as bailiff of the queen, the revenues of that land devolving to her use. Again, Joanna, executrix of the will of Simon de Lindone her husband, alleges that immediately after her husband's death

1. The case of William de Pateneye v. Agnes de Sparkeforde is the most striking example of such protracted investigations. A.R. 542, m.8; 1014, m.3.
2. A.R. 542, m.2d.
3. See C. Feudal Aids, p.269; identified there as Didmarton.
4. King's clerk.
5. A.R. 542, m.9

1. see below, pp.175-177; A.R. 542, m.11.d; also Lusik Brilich, Proceedings against the Crown, pp.206, 210, 230-240.

Roger of Walecote, bailiff of the queen, seized a certain wardship which had fallen to Simon during his lifetime on account of the death of a certain Peter of Rayleigh his tenant in Easton iuxta Stafford. The land is valued at 2 marks per annum, and still she cannot regain seisin of it - 'unde petit remedium.' Hugh of Cressingham and Roger of Walecote, present, attempt no defence, but confess that the land is in the queen's hand unjustly. Again, Bartholomew¹ de Redham complains that whereas he proved his claim to 10 librates of land and revenues in the vill of Great Hautboys by a writ of novel disseisin against Robert Baynard and another, before John of Lovetot and his fellows at Aylesham in 9 Edward I (Nov.1280-Nov.1281), and was put in seisin of that land and held his court and took fealty from his tenants; there came Walter Bukskin, bailiff of the queen, Robert de Petra, Simon de Riston, John Onde and others in the name of the queen and evicted him unjustly and against the peace of the lord king. Those lands have remained in her hands for 10 years and more. He declares that the queen has made £100 out of it.

Sometimes the disseisin took the form of the non-payment of rent for land, and in this connection it is interesting to notice that even members of the royal house itself were not secure from the depredations of Eleanor's officials.

1. see below, pp.176-177.; A.R. 542, m.11.d; also Ludwik Ehrlich, Proceedings against the Crown, pp.206,110,238-240.

¹
Edmund, earl of Cornwall complains that Richard, King of
Almaine, his father, was seised of a certain annual rent of
£30 for the manor of Whitchurch and he himself was seised of
it after his father's death. But after that manor had
fallen into the hands of the queen, Geoffrey de Picheford
and Richard de la Ho, her bailiffs, had withheld the rent
for four and a half years, so that the arrears amount to
£135. This statement was upheld by a jury and in Ivingho's
court it was decided that Edmund should recover his seisin,
and claim the arrears from the queen's executors. The
Church suffered, likewise. William, parson of the church
²
of Burgh (co. Norfolk) complains that the 'minute decime'
and also a rent for land have been ^{unjustly} retained by John de Ponte
and the officials under him ever since the manor of Burgh
fell into the hands of the queen, whereby the Church has
suffered the loss of £10. Again a jury was summoned and
judgment given in favour of the plaintiff. In another
³
case the Abbot of Peterborough complains that Queen
Eleanor had been enfeoffed by John de Cameys in the eighth
year of Edward's reign (Nov.1279-Nov.1280) of two manors
in Northamptonshire, namely Torpel and Upton, which she
held of the Abbot by service of four knight's fees and a

1. A.R. 542, m. 11.

2. A.R. 836, m.2.

3. A.R. 542 , m.12d.

yearly rent of 76s.1½d. But this rent and service had not been rendered since the manor came into the queen's hands. Hugh of Cressingham on behalf of the king and of the queen's executors could offer no excuses, and therefore the Abbot was to recover his seisin of those services and £54.8s.9d. arrears. It is interesting to notice at times an inclination towards generosity on the part of the Church when it has been wronged. The Abbess¹ of Wylton, for instance, sues for two shillings of yearly rent from a holding in Thorney (Isle of Wight), which has been withheld by John son of Thomas, steward of the New Forest, for five years: having gained her case, she remitted the arrears and damages 'pro anima regine'. And again, Robert, vicar of the church of Aylesham², who complains that his fishing rights have been interfered with, on securing his judgment 'gratis remittit dampna sua pro anima regine.'

Another type of offence in this category which almost amounts to a disseisin (although at law it was not to be combatted by an assize of novel disseisin) was

1. A.R. 1014, m.4.

2. A.R. 836, m.1d.

eviction from a term of years.¹ Philip Aubyn, executor
of the will of William Aubyn,² complains for himself
and his co-executors, that William de Fenes granted the
manor of Martok in Somerset to William Aubyn at farm for
a term of five years, for which he paid 300 marks. But
when the manor fell into the queen's hands, Walter of
Kent at her command evicted William within the first
quarter of the first year, against his will, saying that
the queen would pay him the 300 marks and wished in every
respect to have the term as it had been granted to William.
But payment was not made for two years and as a result
William incurred 100 marks damage. The plea actually
brought is for damages on account of delayed payment, and
there were other complications in the case, but it is an
interesting example of the comparative insecurity of the
termor.³ Again, the Prior and convent of Kenilworth
complain that whereas they held the manor of Torbynton
(*Torbington?*) from the queen, through Hugh of Cressingham,

1. See F.W.Maitland. The seisin of chattels: Collected Papers I, p.329, and Pollock and Maitland, History of English Law, II pp.36-37, 106-117. With the growing frequency and importance of land-holding for a term of years it had become necessary to provide an increasing measure of defence against disturbance for the termor. This was achieved by the use of the action for trespass quare clausum fregit which came into frequent use in the latter part of Henry III's reign; and in a certain class of cases by the action quare eiecit infra terminum, about 1235. Several examples occur of what would, in ordinary circumstances, have been actions of this kind.

2. A.R. 1014, m.10.

3. A.R. 542, m.12d.

at a term of nine years, the queen evicted them from this holding in the first year. And the Prior says that they have sustained 40s. damages, because they have put the estate in order, done repairs and so forth. Moses of Waltham, once bailiff of the queen there, bears out this story and therefore the Prior is to recover his damages. Similarly, ¹Richard Maylle complains that whereas he was granted at farm for a term of three years a certain manor by William of St. Clare and John de Ponte, then stewards of the queen; he entered that land and had the land ploughed and sowed and carried out repairs to houses on the estate at the expense of 20 marks. Then the queen, in the absence of William and John, granted his land by her letters to another - 'unjustly and against the deed of her stewards' - and Richard was turned out 'infra terminum suum', to his loss, 20 marks.

b) Wrongful retention of land, rents or wardships.

On many occasions it would appear that lands, the wardship of lands, or the revenues therefrom, came into the queen's hands legitimately enough, but were detained by her long after her right to them had passed. Several flagrant instances of this sort of tyrannical procedure were alleged.

1. A.R. 836, m.5.

¹
Hamo of Wodecok and Dulcia Ayllard his wife
complain that 5 acres of land, demised by Robert Ayllard
to Thomas le Crevquer were, on the death of Thomas without
heirs, taken into the queen's hand by William of Chidecroft,
her bailiff, and others, and the queen has retained it
ever since. William agrees that he did seize all Thomas's
lands at his death - 'salvo iure cuiuslibet', however. He
declares that Dulcia has not yet obtained her lands,
because she has only just asked for them: he confesses her
right to them. Hamo and Dulcia, however, declare that they
laid claim to that land immediately on the death of
Thomas, in the presence of Hugh of Cressingham. The jury
upholds their story, and they are to recover their seisin
accordingly.

A more complex example is the plea of the Prior of
²
Roncevalles. He complains that whereas he and his convent
demised a house in Southampton to a certain Cleremunde at
an annual rent; at his death two nephews seized that
house and demised it to Beneton, a Jew of Winchester, giving
him to understand that it was theirs by right. Later on
account of the wrongdoing of that Jew, the house, together
with other lands passed into the hands of the king and later
by his gift came to the queen. Later, at an inquiry held

1. A.R. 542, m.9d.

2. A.R. 1014, m.6d.

before Solomon of Rochester and his fellows, justices in eyre for Hampshire, the Prior and convent recovered their seisin and maintained it until the queen, declaring that she had been no party to that inquisition was reinducted to her position, by the advice of Robert son of John, steward of the king. She has held that house unjustly ever since and the Prior claims £14.13s.4d. damages. In this instance the queen acquired the land legitimately, and was within her legal rights in refusing to accept the findings of the inquiry.¹ Yet it is clear that her bailiff, John son of Thomas, continued to hold the land in defiance of what was obviously the Prior's right:

The wardship of lands, particularly, offered many opportunities for such practices. Several instances of this type of exploitation occur.² Richard de Ispannia, for example, complains that lands belonging to his brother John were, at the last eyre of the county of Essex, taken into the hand of the king on account of John's insanity. The king made gift of these to Eleanor,³ he says, to hold as long as John lived. But although he has been dead now for two years and Richard has often asked humbly that they might be handed over to him, the queen as yet has refused to do so.

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1. For further instances of this objection, see A.R. 1014 m.7.
 2. A.R. 542, m.1.d.
 3. See also C.C.R. 1279-88, p.381. It is not specifically mentioned in this grant how long she was to hold the lands.

payment. Although John de Ponte manages to clear
 Again, Isabella, daughter of Walter of Wylburham, deceased,
 pleads for her inheritance, the manor of Terstan, of
 which her brother was seised at the time of his death. It
 should have been in the queen's custody only until her
 brother was of full age: but she has kept it much longer and
 the king still has it 'iniuste et in periculum anime eiusdem
 Regine et ad exheredacionem predictae Isabelle.' She
 claims damages at £100. In another case, Simon Pypard¹
 complains² that whereas he was seised of 2s. and 2d. annual
 rent, paid to him by Jordan the Forester, his tenant, for
 a fishpond and a certain piece of land in Twyford: those
 holdings later came into the queen's hands on account of
 the minority of Jordan's heir, and her bailiff had ever
 since withheld those revenues. A similar instance is the
 complaint of William Kydeman and Cecilia his wife³ that
 whereas they had been accustomed to receive a certain rent
 of corn and money from Bartholomew of Antingham for certain
 land in Norfolk, yet when that land came into Eleanor's
 hand on account of the minority of Bartholomew's heir, John
 de Ponte the queen's bailiff had on several occasions with-
 held a portion of that rent during the last three years,
 although Bartholomew had bound himself and his heirs to it

1. A.R. 542, m.3d.

2. A.R. 542, m.4d.. The list includes lands as well as
 animals, crops, etc.

3. A.R. 836, m.1.

payment. Although John de Ponte manages to clear himself of the charge it is only to lay it to the account of another of Eleanor's officials, William of Thorp, against whom judgment is given.

c) Seizure of beasts or goods.

The seizure of beasts or goods, sometimes 'vi et armis,' was another not infrequent abuse. As a rule such cases were straightforward enough and one or two examples will suffice. Frequently, of more importance than the actual loss incurred, were the petty tyrannies for which complaints and remonstrances were made the excuse. From Hampshire comes ¹ the complaint by Richard de Trowe, executor of the will of John of Badesley, that Walter of Kent in 1271 caused John's goods to be taken and detained maliciously and unjustly. When Richard and the other executors of John's will asked for the goods to be restored, they were persecuted, imprisoned and ill-treated by Walter. No defence for Walter's action is urged by his executor John de Ponte and Richard's story is borne out by the jury in the case. The jurors say that Walter cheated the executors into believing that John died intestate, which was not the case: moreover, the goods fell to the use of Walter himself, and not of the queen. Judgment in this instance was given for the plaintiffs to recover

1. A.R. 1014, m.7d. The list includes lands as well as animals, crops, etc.

from the executors of Walter. In a comprehensive list of grievances brought by Margaret de Redvers, countess of Devon¹, there is an amusing little plea of this kind. She declares that John son of Thomas, recently bailiff of the New Forest, seized three greyhounds, refused to give them up, ill-treated them and finally handed over two of them but still keeps the third! John on his side declares that the Countess's men were traversing the forest with the dogs, off the highway. Some foresters came up and took two of the greyhounds, but the third one 'eva~~s~~it a manibus eorum.' And as soon as his men brought the dogs to him he sent them back to the Countess! Unfortunately, we cannot know the truth about the dogs, as the membrane here becomes mutilated and illegible. Sometimes it is clear that the seizure of beasts and goods complained of is an unjust distraint for some supposed debt or amercement. This is apparently so in the case of Robert de Manteby², who declares that although he never was indebted to the king and queen, yet Robert de La Greyne, at the command of John de Ponte, seized and branded his beasts and kept them until Robert made a fine with him of 5 marks. Again John of Lovetot was accused, but not convicted³, of unjustly seizing a horse belonging to William of Caylle because he declared

1. A.R. 1014, m.2.

2. A.R. 836, m.1d: or Mauteby (?)

3. A.R. 542, m.4d.

that Walter Bukskyn, who had been the original owner of the horse, owed money to the queen.

The queen's officials, moreover, were not above buying goods from her tenants and then withholding payment for¹ them. Albreda, wife and executrix of Richard of Ewell, for instance, complains that the queen, through Walter of Kent, took goods in the manor of Farnham to the value of £50, but only £28 has been paid to her. John de Ponte, executor of the will of Walter of Kent, says that satisfaction has long ago been made for all goods taken by the queen. Albreda, however, maintains her story and a jury backs her up, with the result that the £22 still owing are to be paid to her by the executors of the queen and of Walter.

d) Prevention from the use of common land or forest.

Occasionally there are instances of the queen's ministers hindering her tenants and others in their enjoyment of rights in common land, though there are not more than half-a-dozen examples of this.

The chief centre of trouble seems to have been at Somerton, whence we get a series of pleas. At Salisbury the justices heard on the same day complaints from the² Abbot of ~~Athelney~~ ^{Athelney}, Henry de Urtiaco, Robert of St. Clare³ and the burgesses of Ilchester; while at Westminster on the Wednesday next after the Ascension (6 June, 1291) we get a

1. A.R. 542, m.4.

2. A.R. 1014, m.1d.

3. ibid. m.4. See also Placita de Quo Waranto, p.701.

glimpse of another case, possibly begun at Salisbury, in which Richard Byssop, John le Hare, William Stroude, Walter Isaac, Walter and John Moody, William de le Herne¹ are plaintiffs.

The Abbot of Athelney (Somerset), Henry de Urtiaco and Robert of St. Clare all complain that at the last eyre of the county of Somerset they were deprived of their right to common pasture in Kingsmore, by a writ of Quo Waranto brought by Walter of Kent and others, bailiffs of the queen. A jury was summoned and upheld their story.

The similar plea brought by the men of Ilchester led to long and wearisome proceedings. They claim their common rights by virtue of a charter of Henry II, but were deprived of these rights by a writ of Quo Waranto brought against them by Walter of Kent, who recovered those rights for the men of the demesne at Somerton. And they were turned out and kept out by the bailiffs of the queen. Hugh of Cressingham, for the king, does not deny disseisin but successfully contends that the case cannot proceed 'rege inconsulto.' The case, therefore, was withdrawn to Westminster and heard there ~~on~~ 'cavam rege'. The rolls of the eyre of Solomon of Rochester in eighth year of the reign were consulted and showed that the rights in question were recovered by the king and queen 'ut ius corone sue.' Later

1. A.R. 542, m.4.

on the Wed. next after the Annunciation, a jury was summoned which, however, was put in respite for default of numbers until the Wednesday after the Ascension, on which day the inquisition was actually taken. The jury finds against the plaintiffs saying that the common pasture of Kingsmore is 'the right and the feof and the freeholding of the lord King, belonging to his crown in the manor of the King at Somerton'; the burgesses being in mercy for their false claim. This case is an excellent example of the meandering slowness of mediaeval justice.¹ We cannot see the whole process of the case in which Richard Byssop and his friends are plaintiffs: but it is interesting to notice that Kingsmore is once again the disputed centre, with Walter of Kent as defendant. The respiting of the jury until three weeks after Michaelmas leaves the case undetermined. Clearly, it was intended to make a clean sweep of the claims that had intruded themselves in this district, and apparently the queen was within her rights in doing so.

Common rights in fishing waters were also the subject of dispute on one or two occasions.² The Abbess of Caen, for instance, complains that after she had recovered from Stephen de Redham her fishing rights at Horsted, and enjoyed those rights for half a year, Walter of Kent and Walter Bukskyn came and deprived her of them unjustly

1. see below, pp. 178-179.

2. A.R. 836, m.3d.

'et in periculum anime preface Regine,' Moreover, William Beck, bailiff of the queen at Scotho, tampered with her fishing and waterways. After various vicissitudes the case, withdrawn to Westminster, was decided in favour of the Abbess, in spite of the very determined efforts of John de Ponte to side-track the case from the main issue.

Closely resembling these evictions from common rights are the instances of the withdrawal of similar rights in the royal forests, sometimes after a grant of very long standing. Peter Beles of Skeketon (co. Norfolk) complains¹ of the queen's official Robert de la Stane, that he unjustly prevents Peter's rights in the wood of Swainston.

Again the Prior of Ellingham (co. Norfolk) complains² that whereas his priory had enjoyed an ancient concession made by King Henry of free pannage for 100 pigs in the forest, and of wood, Walter of Kent came and deprived his predecessors of those rights. The last stages of this case recorded upon the roll are so seriously obliterated as to be almost illegible, but it would appear that the Prior regained his rights. Again, the men of John, Bishop of Winchester³ declare that whereas they ought to have pasture for their animals in the New Forest, as they have had from time immemorial, Walter of Kent deprived them of

1. A.R. 836, m.4.

2. A.R. 1014, m.9.

3. A.R. 1014, m.9.

these rights so that they have suffered damage to the extent of five marks. Their claim is upheld by a jury and they are to recover their rights. These cases are interesting in the evidence they give of the importance attached to rights whose value and reality it is particularly difficult for modern students to appreciate. They reveal an early stage of that long defence of common land, and rights in it, that becomes so large and varied a theme in later centuries.

The large number of cases dealing with disseisin, dispossession or deprivation from the enjoyment of rights of various kinds leaves an impression that security in these matters was at best uncertain. One curious instance gives an idea of the degree of insecurity felt by some tenants.¹ Margaret, who was the wife of John of Budesthorne, came before the justices and declared that whereas she and her husband jointly were feoffed for themselves and their heirs of a certain piece of land, the queen came after the death of John and ordered that land to be seized into her hands, declaring that John had forfeited it when he was bailiff of the queen. But Margaret says that her husband never was bailiff, and if he had been, could not have forfeited these particular lands, because she was jointly enfeoffed with him. Hugh of Cressingham bears witness that John

1. A.R. 1014, m.8.

never was bailiff to the queen, and says that as soon as this was pointed out to Eleanor she ordered the land to be restored to Margaret who still holds it. And Margaret, when she was questioned by the justices, agrees that she does actually hold it, but that she makes this public assertion of her right for greater security in the future. This looks like the act of one who felt very much at the mercy of arbitrary powers against which redress at law was uncertain.

Group 2.

A large class of cases is concerned with extortionate or oppressive demands of various kinds. Frequently more was demanded in money, goods or services than was rightful: sometimes services or payments were demanded as 'of right' whereas they had only been conceded voluntarily: sometimes false and unjust extents were made, or privileges withdrawn. There were innumerable opportunities for such malpractices - sometimes subtle, sometimes flagrant, always peculiarly irritating. It is interesting to notice that by far the greater number of these occurs upon the 'Salisbury' roll¹ and with few exceptions are derived from Hampshire and the immediate vicinity of the New Forest; only a few scattered cases are drawn from outside this area - two from Somerset, two from Wiltshire and a small group from Norfolk and

1. A.R. 1014.

Cambridgeshire. In future they shall not only as they

and some before Walter's time, and the sheep shall be of
a) Wrongful exaction or increase of services, false
extents, etc. as such as grow in the fields of the

The number of pleas dealing with this type of offence and the frequency with which a jury upholds the charge bears witness that the queen's ministers were not slow to exploit the opportunities for this sort of petty oppression. All the free tenants of Kadelond¹, for instance, complain that whereas they were accustomed to pay two quarters of oats, yearly, value 12d. per quarter for herbage and other rights in the New Forest, Walter of Kent demanded 2s. a quarter. For the last seventeen years they had paid at this rate, so that their damages amount to 34s. They gain their case, and of the 34s. recovered they give 17s. to the clerks.² Again, the free tenants of Vally complain that whereas they were accustomed to pay yearly three sheep or eightpence for each sheep for herbage, Walter of Kent made them pay 16d. for each sheep: and whereas they had heretofore paid 3 quarters of oats yearly, or 12d. a quarter, Walter doubled that amount, and made distrainments upon them so that they were obliged to pay it. The judgment, for the plaintiffs, is interesting. Their damages, placed at 5s. a year for seventeen years, total £4.5s.0d. and the court

1. A.R. 1014, m.8. *Probably Cadland.*

2. ibid. 1014, m.7d.

lays down that in future they shall pay only as they had done before Walter's time: 'and the sheep shall be of medium size and the oats such as grow in the fields of that vill.' Richard But, their attorney, gives half the damages, namely, £2.2s.6d., to the clerks. From Norfolk comes a similar instance, in which John of Lovetot 'auditor compoti domine Regine' is the defendant. The poor tenants of the King in the vill of Cawston, complain that whereas they had been accustomed 'eciam a tempore quo non exstat memoria' to give to the lord for the time being of Cawston 160 chickens or one penny for each chicken, John of Lovetot came and demanded three-halfpence for each chicken, so increasing that rent by half a mark. They claim 5 marks as damages and once again a jury upholds their contention and they gain their case.

Sometimes demands which in the first instance were legitimate were still exacted long after the 'quid pro quo' had disappeared. This was the case with the men of Elye Baldet², who complain that whereas they used to give some of them 2d. and some of them 6d. for pasture, according to the number of their animals, Walter of Kent would levy these sums as if they were a definite due; and even if one of them sold his land, or had no animals, because he was

1. A.R. 836, m.6.d.

2. A.R. 1014, m.7d.

poor, still Walter would demand the money - though it was clear that if they pastured no animals they ought not to pay anything. Similarly, 32 men of the New Forest¹ declare that it was their custom to dig turves *at* Newmore and to pay 12d. and half a quarter of salt yearly for that privilege. But although that 'turbaria' has long since been destroyed, so that they can no longer dig turves there, Walter of Kent and John of Lovetot enrolled it as a holding on the rolls of the manor and demanded the money yearly still.

There are several instances of the enrolment as regular services of acts done or payments made as courtesies, or 'of grace'. The 'poor tenants of Henry Auger of Biketon'² complain that ~~whereas~~ John of Godshill, forester of the New Forest, 'their neighbour and special friend', had been accustomed to do them various courtesies on many occasions and they, in their turn, paid him back by helping him as a special favour with the gathering of his corn, and the working of his ploughland in the autumn. But later, John of Lovetot extended this as a definite due, because the bailiwick that had belonged to John of Godshill had been taken into the queen's hands. And they had been compelled to do that labour even though they held nothing of John of Lovetot. Hugh of Cressingham attempts a defence of John

1. A.R. 1014, m.6.

2. A.R. 1014, m.7.

2. A.R. 1014, m.74, m.7; m.74.

- but the jury supports the plaintiffs. They say that Walter of Kent caused money to be raised for that work, namely, 12d. for the ploughing and 23d. for the sowing. John of Lovetot, approving of Walter's proceedings, placed that 'grace' in the extent of the manor and so made it a definite due, and they have sustained this injury for twelve years. The plaintiffs gained their case, but it is clear that even the virtue of courtesy could not be practised without risk. Another example re-enforces this suggestion. William of Budesthorn complains¹, for himself and his villeins, that whereas they used, before the time of Walter of Kent, to give to a certain forester of the New Forest oats to sow - 'de gracia' - sometimes more and sometimes less, as they chose: Walter of Kent came and by means of distraints forced them to give the oats as a due. Once again a jury supports their contention, and judgment is given that they are not to pay in the future. Exactly similar cases are those of the men of Elye Baldet, the poor men of Depedene, and the men of/^{Alan} Plukenet de Elynges²: in each case services originally done as a favour or a courtesy were exacted by Walter of Kent as regular dues and entered in the extent as such.

From the examples quoted above it may be seen that the amounts wrongfully exacted sometimes reached considerable

2. A.R. 1014, m.93.

1. A.R. 1014, m.11.

3. A.R. 836, m.4.

2. A.R. 1014, m.7d, m.7, m.7d.

sums, and the demands were most often made upon poor men. There is hardly an instance in which even a reasonable defence can be urged for the queen and her officials.

b) The withdrawal or appropriation of rights or privileges by the queen's officials.

The cases in this category are, in a sense, complementary to those just described. Not only were attempts made frequently to demand dues and services that were not owed: but simultaneously frequent attacks were made upon the rights and privileges of tenants.

John Trenchard complains that whereas he holds a hamlet called Berma dele belonging to the manor of Hurstfield, the queen entered that land by virtue of the will of John de Hardynton, his tenant: and she has taken all the services that were owed by that land, namely, homage, wardship, marriage, relief, estate and suit of court, to his no little injury. A jury bears out his story and they declare that the dues and suit are five years in arrears.

Again, Alexander de Prato and other tenants of Cawston ask the king to restore to them the privileges that they had in the time of Hubert de Burgh, by whose demission the land came to the king and queen. They hold the land in ancient

1. One case in which the charges were partially rebutted was that of the serfs of Swainston. A.R. 1014, m.11. (Rec. Soc.), pp. 482-3.
2. A.R. 1014, m.9d.
3. 1286: *Ibid.*, p.481.
4. A.R. 836, m.4.
5. All in Wiltshire; Pandalworth in *Wiltshire* (Pandalworth) see G. Ford, *Aids*, vol. 5, A.R. 1014, m.11a.

demesne and used to be allowed to give and sell their lands freely out of the court of Cawston until an inquisition was taken by Robert de la Stane before Hugh of Cressingham once steward of the queen, when they were deprived of this right. The case of Roger Bygod, earl of Norfolk and Marshall of England¹, is an interesting example of irregular proceedings under cover of Quo Waranto². He complains that at the last eyre in Norfolk, when the king impleaded him by writ of quo waranto with regard to his franchises in that county, John de Ponte unjustly appropriated to the queen a certain view of frankpledge in Southfield, which he had held from time immemorial, while the judgment under the writ was still pending. Summoned to Westminster, John de Ponte declares that the earl handed over that view of frankpledge and other franchises to the king at that eyre: but an inspection of the rolls shows no trace of any such thing. The king and his council agree that the matter must be enquired into.

An example of petty tyranny which may be included here is revealed in the complaint of the poor men of Downton Redlynch, Pendelworth and Barford³, who hitherto have pastured their animals in the New Forest in return for a

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1. A.R. 836, m.6: see also Placita de quo Waranto (Rec.Com.), pp. 482-3.
 2. 1286: ibid, p.481.
 3. All in Wiltshire; Pendelworth is also found Pendeleswynch; see C. Feud. Aids, vol.5. A.R. 1014, m.11d.

payment in corn made to the forester at Dounton. But when the bailiwick came into the hands of the queen, Walter Musard, her forester in that bailiwick, demanded that they should cart their corn to Lyndhurst at their own cost. An exactly similar case is brought by the poor men¹ of Charleton and Stanlynch, and in both instances the plaintiffs establish their case.

That the irritation caused by the accumulation of individually small oppressions could reach really serious lengths is shown by the list of no less than fourteen charges² brought by Margaret de Redvers, countess of Devon against John son of Thomas and others. The charges range from unjust amercements and tolls, too heavy exactions, false attachments and the disregard of privileges to the destruction of a rabbit warren and the before mentioned seizure of greyhounds. Individually the grievances are trivial: as a whole the list is a formidable one. Were it proved to be substantially true³, it would bear witness to an attitude of mind in the queen's officials which, if not deliberately oppressive, was yet in practice a long-continued grievance to those whose rights and privileges in any way overlapped or touched those of the queen.

1. A.R. 1014, m.11d; possibly Charlton and Stanley in Gloucestershire.

2. ibid. m2.

3. see below, p.126-127.

Group 3.

Unjust application of the processes of law.

Under this heading fall a great variety of cases. Charges of wrongful indictment, attachment, distraint, amercement and imprisonment are brought: and in a few instances, it is alleged that an inquisition has been taken without the necessary royal writ, or without the presence of one of the necessary parties. The examples are ¹ very numerous and frequently incidental to other charges. The task of selection from the large number of instances at our disposal is difficult: as far as possible, examples of the more comprehensive kind, illustrating several points at one and the same time, will be chosen.

Two very flagrant examples of the malversation of justice come from Norfolk. In one case John de Ponte is the culprit: in the other Humphrey de Waleden. Robert de Manteby ² complains that although he never was indebted in any way to the lord king, nor to the queen, yet John de Ponte, through his sub-bailiff, Robert la Greyne, seized the animals on his lands and branded them with his sign and held them until he made a fine with him for five marks. And John caused Robert to be attached to be at the next parliament of the king after his last crossing to Gascony,

1. For instance, see p. 84 above, Robert de Manteby v. John de Ponte.

2. A.R. 836, m.1d.

to make satisfaction to the queen for £24, owed to the queen by Walter Bukskyn, once her bailiff, for whom, John alleges, Robert is surety. Robert went to that parliament and stayed there for a whole month and at last had to leave 'sine die'. And later he was attached to come to another parliament where he stayed for a month, and another time for five weeks. And so John unjustly molested him until he heard of the king's coming to England; and Robert in this way unjustly incurred expenses to the extent of a hundred marks. Robert de la Greyne refers back the responsibility to John de Ponte, who in turn says that what has been done has been 'per preceptum Johannis de Lovetot superioris sui cui contradicere non potuit.' The case was summoned to Westminster where the hearing extended on several days to wearisome length. John of Lovetot says that he cannot deny having ordered John de Ponte to make that distraint because Robert had mainprised Walter Bukskyn in his presence at Norwich. Robert's attorney immediately questions this, saying that Lovetot was not at that time a justice of the king at Norwich and therefore could not receive that recognition. John retorts that this point has already been raised by Robert in a complaint to the king, and that the king had decided in Lovetot's favour - '*quod bene potuit recordare pro domino Rege et Regina quicquid recognitum fuit coram ipso in omni loco.*' After this very

spirited duel of point and counterpoint it is a little disappointing to find that the case ends tamely with an agreement between the parties such as suggests that neither the one nor the other was entirely right or wrong. On the quindene of Hilary, John of Lovetot agreed to pay £10 to Robert, who in return acquitted him of all charges: it would appear that Robert's case was weakened by technical flaws, but was at least good enough to bargain with.

The points of this case are of considerable interest and therefore have been thought worthy of this somewhat lengthy treatment. It gives an idea of the manifold processes and tedious postponements of mediaeval justice. Moreover, the suggestion is not merely that the charge against Robert was false and the subsequent distraint and attachment therefore unlawful, but that the plaintiff was maliciously caused to waste time by the month at a stretch in futile waiting upon the sessions of parliament. It is, too, an interesting attempt on the part of Eleanor's officials to postpone final judgment and to shelve personal responsibility for their actions by the suggestion that¹ they were acting under orders from their superiors. The further suggestion (it is never substantiated beyond a vague 'ut dicebatur') that Robert was prevented from attending on one occasion by the malicious intercepting of his writ

1. See p.122 below.

of summons, gives a glimpse of a most undesirable not state of affairs.

Another case that is of sufficient interest to warrant a full description is that in which John, son of Robert of Erpingham complains of Humphrey de Waleden.¹ He says that he has distrained upon the goods of certain of his villein tenants for arrears of dues and services that are owing to him. Then Walter of Bermingham, 'maintained' by Humphrey de Waleden, brought charges against John in the hundred court of South Erpingham; and John was attached to reply, but was maliciously prevented by Humphrey. Therefore John procured from the king a writ to the sheriff of recordari facias loquelam. But Humphrey caused the hundred court to default on that day so that the writ might not be served, and the sheriff could not carry out his duty. And on another day that was assigned to him at the hundred the same thing happened again, so that the day assigned to John in that writ at King's Bench went by. Later, while John was at the court of the king answering another writ, Humphrey, knowing that he was absent, amerced him and his sureties at 2 marks because he did not appear. And although he paid that sum, yet distraint was made upon his goods and he had to give surety that he would present himself in London and before the council of the queen answer

1. A.R. 836, m.2d. *levinam suam salvandas.* A man's sureties as well as himself were liable to amercement if he failed to prosecute his case. (101)

wherefore he had procured that writ, since he had not prosecuted the case. So John went to London where he made great efforts to save his surety¹ and to reply to the queen's council as to the foregoing. And he stayed there a long time: but the queen's council told him that they had nothing against him, and sent him back to his country sine die. By these molestations he alleges that he has suffered 'deterioration and damage' to the extent of 20 marks. Unfortunately this case was not brought to a conclusion, as John failed to prosecute his case and was therefore amerced. This may, perhaps, be taken as indicating that the plaintiff's story was not as sound as it appears to be: but after such a narration one cannot deny the possibility that perhaps once again he was 'maliciously prevented' from making his appearance! Even making allowance for the possibly fertile imagination of the pleader, it seems probable that the story was at least in part a relation of actual facts. At the very least it illustrates the possibility for sharp practices implicit in the position held by these powerful royal officials. The charges - that Humphrey has unlawfully upheld a cause against John, that he has wrongfully distrained upon his goods, that he has maliciously prevented his answering at the hundred court and similarly by a long train of

1. 'laboravit ad plevinam suam salvandam.' A man's sureties as well as himself were liable to amercement if he failed to prosecute his case.

2. A.R. 1014, m.7.

scandalous acts caused him also/^{to} fail in answering in banco, that he has further made distrainments upon him and finally sent him off to London to the queen's council which has nothing to say to him - hint at persecution of a peculiarly insidious and subtle kind.

A short entry, again from Norfolk, gives another example of the sort of malpractices complained of. Peter de Swantone and Geoffrey his brother¹ complain that they were indicted at a certain leet on suspicion of theft. They brought to Robert de Petra twelve pledges who willingly would have replevined them. But Robert would not accept these sureties, and cast the two into prison and kept them there until they made a fine with him of one mark. Unfortunately the verdict of the jury is not recorded.

On several occasions officials were charged with taking an inquisition without a royal writ, or without summoning the necessary parties. An example comes from Hampshire.² William of Minstead and Margaret de Budesthorn complain of Hugh de Dingneveton, once steward of the New Forest. They say that he maliciously and of his own accord without any warrant took an inquisition regarding land called Southfield in the New Forest, which William and Margaret had held peacefully from time immemorial, receiving the esplees of turf and of heath. And because the jury declared that they

1. A.R. 542, m.6.

2. A.R. 1014, m.7.

violence is alleged, and where a purely personal, as held that land unjustly, Hugh evicted them, although they had not placed themselves upon their country. They have been kept out of their land ever since, suffering damage to the extent of £13. After a long process of tortuous inquiry, William and Margaret were awarded a writ of seisin with regard to the land.

A somewhat unfortunately human charge, which alleges persecution and personal spite, is that of John Bolytonte, ¹cellarer, of Norwich. He complains that John de Ponte came to his house one night in April, 1289, and brought with him a certain woman and stayed with her that night. A dispute ensued, because John the cellarer was justly annoyed that John de Ponte 'fornicationes in domo sua faceret.' The result was that John de Ponte caused John Bolytonte to be beaten and attacked and to be imprisoned for five weeks, and he could not get free 'per brevem Domini Regis nec per plegios,' until he made a fine of 40s. with John de Ponte at the queen's manor of Burgh. He claims £10 damages. John de Ponte says that John Bolytonte insulted him and freely made a fine of 40s. with him - of which he received 30s. The case is not decided because the plaintiff fails to prosecute his case. The plea is an interesting one, because it is one of the few instances in which personal

1. A.R. 542, m.5d; possibly Bolytoute (?)

2. A.R. 1014, m.4 and 4d.

3. This is the version given in m.4.5.

violence is alleged, and where a purely personal, as distinct from 'official' motive is suggested for the offence. One other example may be given of a minister of the queen requiting a private grievance by means of official action. Simon of Micham,¹ dean of Salisbury and executor of the will of Robert Folliot, complains that Robert sustained John of Kent - brother of Walter of Kent - at Walter's request for three years and received nothing for it. And when Robert turned John out, Walter was furiously angry and forthwith caused Robert to be indicted of the crime of hunting in the New Forest and caused him to be amerced at 20 marks, which Simon, Robert's executor, paid after Robert's death in 1275. An inquisition bears out his story and after further verification judgment was given that 20 marks from the goods of Walter of Kent be given to the executors of Robert 'because it is shown that it was done maliciously.'

An example of violent methods used for official purposes is to be found in the pleas of Johanna de Tracy and John of Hardington² with regard to the manor of Whitfield in the Isle of Wight, which Johanna had demised to John. John's plea is³ that he had been in good and peaceful possession of that land for five years and had a charter

1. A.R. 1014, m.5; see also Le Neve. Fasti (ed. T. Duffus Hardy), vol.II, p.649.

2. A.R. 1014, m.4 and 4d.

3. This is the version given in m.4.5.

of feoffment from Johanna, had made a fine with her and had been quit-claimed by her heir. Then John of Kirkby came to Winchester to collect debts for the Exchequer and Geoffrey de Picheford with him: and they caused John of Hardington to be taken by Simon of Winchester, then sheriff, without writ or warrant, to his hospiciu. And he was brought a prisoner before John of Kirkby and Geoffrey de Picheford who immediately asked him in the name of the queen how he had come by the manor of Whitfield. He asked if he might take counsel in the matter, and they expressly refused, saying that he must answer at once. He said he was not obliged to reply without a royal writ but they would not take that answer, so he replied that he had entered upon the land by a good enfeoffment. Unfortunately, the roll here becomes badly obliterated and it is only possible to make out (from m.4d) that John lost his plea but was to remain in possession during his lifetime, recovering £40 arrears from the hundred pounds apparently promised to him. An explanation of the pecuniary transaction is to be found in Johanna de Tracy's plea.¹ She says that when she demised her manor of Whitfield to John of Hardington, John gave her 'scriptum suum obligatorium' for ~~£~~100. But when John and Geoffrey caused him to be imprisoned at Winchester they would not let him go until he gave up that document to them against his will. And they

1. A.R. 1014, m.4d.

said that John had conceded to the queen his claim ~~to~~ that manor - whereas he had done nothing of the sort - and she, as a consequence, had lost £100! This is the only instance of quite such enormity and in which the queen's profit from these tyrannical methods appears to have been so direct and unconcealed. But there are many other cases of minor tyrannies which more or less flagrantly turned to her profit, and it may perhaps - without undue injustice - be taken as symptomatic, if not typical, of the attitude in the queen's officials of which such frequent complaint was made. In conclusion one case may be described that is at

Group 4.

A fourth miscellaneous group might perhaps be made to include various offences that cannot be made to fall easily into any one of the preceding groups. For instance, there is the case of John de Cameys, who complains that when the queen took into her hand the manor of Lyndhurst she caused his houses in the vicinity to be overthrown and burnt, and although she had promised to repair this damage yet she had never done so. Again, there is the plea of Michael of Elhurst, that his dam in the river had been overthrown by Walter de Chidcroft and Robert Bolefynch to the detriment of his mill, so that it could not grind as it had been accustomed to do : of the plaintiffs who declare that John

1. see below, Group 4.

2. A.R. 1014, m.7.

3. A.R. 542, m.13d.

son of Thomas prevents them from cutting down the vine hedges that grow on their own land, and has himself cut¹ down trees on their land worth 5s: of the Abbot of Thorney who complains that John de Cameys sold him the live wood on certain land in the district of Torpel, but before that wood was cut he enfeoffed the queen of that manor on condition that she permit the Abbot to have that wood; and the queen agreed, but although the Abbot has asked her many times to let him have it, he has never been able to² get anything done about it.

In conclusion one case may be described that is at once so comprehensive in its charges, so flagrant and so amusing that it seems to be an 'omnibus' example of official wrong-doing. It is the case of Richard, son of Adam Pistor³ of Newmarket and Agnes his wife. For seven years they had been in good and peaceful seisin of certain lands at Newmarket, when Maurice reeve of the queen at Cameys Ditton lured them out of their house on false pretences. Immediately Maurice entered that land and kept it, to their damage, 10 marks. And they proceed to say that after this, Maurice accused them of having broken into the queen's house - which was their own - whereas there was only a small hole through which only a cat or a little dog could come: and he charged them with carrying off some of their own goods,

1. A.R. 542, m.4d.

2. A.R. 542, m.9

3. A.R. 836, m.5d.

with the result that they were taken, beaten, wounded, ill-treated and put into prison until they were bailed out by their neighbours, and by this defamation and damage they were injured 10 marks. And when they were in prison Maurice came to them and threatened that if they did not quit claim him they would lose their lives: and in fear of their lives they promised to do so, but they never did actually do so. The jury in the case bears out their tale and adds the further fact that a baby in its cradle, found by Maurice in the house, was carried out and placed by even him on the highway! Here is one collection: we have disseisin, false indictment, wrongful imprisonment, violence and an attempt at securing a forcible enfeoffment. Fantastic as the charges would appear to be, all but the charge of beating them, received the backing of the jury and Richard and Agnes gained their case. Inadequacy of this treatment may be partially remedied by the transcription in Appendix VII of a few of the most interesting cases.

It is hoped that the foregoing examination of a small selection of the great number of cases before us may afford a sufficient basis for the discussion of the value of these records as a source of information regarding Eleanor's administrative methods. Individually, there is nothing spectacular about the very great majority of the cases instanced here: in the mass the two hundred and more pleas that occur on the three rolls considerably illumine

the obscurities of Queen Eleanor's administration of her lands. Mutatis mutandis one might say of them much that Maitland remarked of certain pleas of the Crown of Gloucester: 'It is not indeed supposed that there is anything in this roll which should startle anyone but it is believed that a large stock of examples, given with all their concrete details, may serve to provide a body of flesh and blood for the ancient rules which are apt to seem abstract, unreal, impracticable.'¹ It has not been possible to give 'all the concrete details' of even the selection of cases considered here. One short section is inadequate for the exhaustive treatment of material which is at once so extensive and so varied. The writer can only hope to have given convincing illustration of the undoubted interest and possible use of the records of Ivinghoe's hoped commission. It is further hoped that the inadequacy of this treatment may be partially remedied by the transcription of in Appendix VII of a few of the most interesting cases. They yield fragments of information that however apparently trivial in themselves, yet fall into place in a larger and developing context. That an investigation such as this, based upon such material, can throw much light upon the persons driving the machine, is less certain. The dangers

1. Pleas of the Crown for the County of Gloucester1221.
ed. F.W.Maitland, 1884, Introd., p.vii.

have already been remarked. Yet in a sense the investigation must be held to have been barren if it has failed to select any shadow of the personalities behind the system. A modern historian of the law has said of the system at this P A R T IV. it shows ' a growing

in the forms and processes through which justice

The significance of the Inquiry: A. The geographical distribution of the complaints; the principal offenders: B. Light thrown upon some aspects of the queen's of the administration: C. Points of legal interest. system of
procedure. That element is the intellectual outlook of

The writer hopes to be able to show that the proceedings of the inquiry of 1291-92 shed some light upon the working of the machinery of administration on the queen's lands, and raise various interesting legal problems. It is hoped that the records of that inquiry, when collated with other contemporary material and explored along lines suggested by the most recent investigations into similar subjects, may yield fragments of information that however apparently trivial in themselves, yet fall into place in a larger and developing context. That an investigation such as this, based upon such material, can throw much light upon the persons driving the machine, is less certain. The dangers of an attempt to identify persons with their official acts,

1. p. 34 above.

2. F. B. Holdsworth: Sources and Literature of English Law, p. 22.

name, have already been remarked.¹ Yet in a sense the investigation must be held to have been barren if it has failed to detect any shadow of the personalities behind the system. A modern historian of the law has said of the legal system at this period that it shows 'a growing elaboration in the forms and processes through which justice is administered.' But, he goes on to say, 'there is another element which is even more vital for the growth and development of a system of law than the enactments of the legislature and the construction of a workable system of procedure. That element is the intellectual outlook of the men who work the machinery, and the spirit in which they approach their task. We have not yet reached the period when a continuous professional tradition will guarantee the possession of the intellectual qualities necessary for an intelligent and honest administration of the law. But that these qualities were then possessed in a high degree² by the king's servants is clear.' These remarks apply equally to other spheres of administration, and the problem with which the present thesis is most concerned is precisely this: how far can it be said that Eleanor had secured 'an intelligent and honest administration' for her estates. The practical meaning and effect of any administrative

1. p.34 above.

2. W.S.Holdsworth: Sources and Literature of English Law, p.22,

system depends upon the administrator. The writer has attempted, therefore, to approach the formalities of the commissioners' courts with this idea consciously in mind.

A. The geographical distribution of the cases and the principal offenders.

a) Geographical distribution.

A discussion of the geographical distribution of the cases brought before the commissioners is not likely to be productive of any very definite results for reasons¹ to which allusion has already been made. The fact that records from three centres of inquiry only are at our disposal² - and those records themselves incomplete - of conditions any inferences that we may attempt to draw, and must always be had in mind.

The first impression made by the results of an analysis upon territorial lines³ is that they are such as conjecture might have led us to expect. The proceedings at Westminster were far more miscellaneous and widespread in their scope than those of the other two centres, whose activities were more definitely local. At Westminster cases from no less

1. see above, p. 68.

2. p. xix.

3. For the purpose of arriving at something approaching a statistical result in this matter the writer has relied upon the marginal note as to county in each case. The county thus named does not in all cases correspond with land named in the plea (e.g. A.R. 1014, m. 10; plea of Philip Aubyn has marginal note 'Wilts' but concerns Martok, Somerset). Possibly it indicates the county through whose sheriff the case was brought before the justices.

¹
 than nineteen counties were heard , the largest groups
 being those drawn from Norfolk and Kent, Essex and
²
 Hampshire. The wider territorial scope of the sessions
 at Westminster is largely explained by the fact that many
 cases begun elsewhere were summoned there for the concluding
 stages. This frequently occurred when the records of
 other courts had to be scrutinised or further enquiries
³
 made before the justices could proceed. At Bury St. Edmund's
⁴
 cases from only five counties appear , and of these the
⁵
 overwhelming majority came from Norfolk. At Salisbury
⁶
 pleas were heard from six counties , and of these about two-
⁷
 thirds of the number came from Hampshire. The focus of
 interest in these two centres, Norfolk and Hampshire, is
 the natural outcome of the main groupings of Eleanor's lands

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1. Berkshire, Cambridgeshire, Dorset, Essex, Gloucestershire, Hampshire, Hertfordshire, Lincolnshire, Leicestershire, Norfolk, Northamptonshire, Oxfordshire, Somerset, Suffolk, Sussex, Surrey, Wiltshire and Warwickshire.
 2. Roughly some 29 cases from Norfolk, 21 from Kent, 14 from Essex and 11 from Hampshire out of a total of 110 cases enrolled. (A.R. 542, excluding the Salisbury mm.7 and 8).
 3. Especially when the king and (or) his council had to be consulted.
 4. Cambridgeshire, Kent, Norfolk, Somerset and Suffolk.
 5. Of a total of some 50 cases enrolled (A.R.836), 36 came from Norfolk.
 6. Dorset, Gloucestershire, Hampshire, Somerset, Wiltshire, Worcestershire.
 7. Of some 65 cases (A.R. 1014), 43 are from Norfolk.

as described above ; whilst the appearance upon the Westminster roll of a plea from a county comparatively so remote as Leicester would appear to be an additional reason for supposing the existence of that other and more northerly centre of inquiry to which the evidence (as has already been suggested, p.68.) seems to point. It is very unlikely that a plea from Leicestershire would be brought at first instance before the auditors at Westminster. The restriction, substantially, of the recorded charges to these southern and eastern groups of the queen's lands seems in every way to point less to any particular immunity from offence in other districts than to a failure of evidence.

b) The chief offenders.

Since the complaints are concentrated in this way, with so great a preponderance of weight given to the affairs of Norfolk and Hampshire, and in much lesser degree to the home counties, Kent and Essex, it follows that certain officials particularly employed in those counties are cited again and again. More than sixty queen's officials are mentioned by name upon the three rolls, but of these the great majority are named once or twice only. Not more than six chronic offenders emerge from the investigation.

1. see above, pp. 11-13.

2. A.R. 542, m.5.

1. Walter of Kent, John de Ponte, John son of Thomas and Humphrey de Waleden - were at different times stewards of Eleanor's lands, and also acted as her bailiffs: Robert de Petra, always referred to as a bailiff was apparently a lesser personage: John of Lovetot, 'auditor compoti Regine', probably a more exalted one.

Walter of Kent appears to have offended more persistently than any other official. His long official career offered opportunities of a kind which he did not fail to exploit. His hand was felt in no less than ten counties: pleas in which he was involved were brought from Dorset, Essex, Hampshire, Hertfordshire, Leicestershire, Lincolnshire, Norfolk, Somerset, Sussex and Wiltshire. He was most nearly concerned, however, with the administration of the south-western group of lands. He is cited some twenty times for offences in the

1. If frequency of alleged offence be taken as the criterion, Walter of Kent must head the list, followed at some distance by John son of Thomas, John de Ponte, Robert de Petra, John of Lovetot and Humphrey de Waleden - in the order given. The number of charges brought, however, gives only an exceedingly rough scale of comparison, and is, moreover, very difficult to compute with absolute accuracy, since many pleas are sometimes involved in one pleading, and frequently more than one official must share the blame. A more serious obstacle to comparison are the varying degrees of alleged wrongdoing which the charges represent. Humphrey de Waleden, for instance, does not sin very often, but when he does so the plaintiffs allege particular flagrancy, e.g. A.R. 836, m.2d, see above, pp.101-103.

2. For examples see above, pp.93-94.

2. For the official careers of these officials, see above, pp.16-28, m.10,

3. Some account of John of Lovetot is given, p.129.

New Forest and Hampshire: there are half-a-dozen counts against him in Somerset and two or three each in Dorset and Wiltshire. In other counties there are only scattered instances. In the New Forest he appears to have been engaged very frequently upon the preparing of extents¹ of land and on many occasions used the opportunity for increasing dues and services or securing the inclusion in the extent as dues, of courtesies done by tenants of their own free will.² In fact this method of extortion seems to have been particularly popular with him, and was one which lay readily to hand. Occasionally, one receives the impression that Walter was acting under the immediate orders of the queen, as, for instance, when it is alleged that he came 'at the command of the queen' and evicted William Aubyn from land held at farm for a term of 5 years.³ Again, when Walter - together with John de Ponte and other bailiffs of the queen - entered the manor of Tothill the plaintiff definitely states that the queen refuses to allow him to re-enter his land except on condition that he ⁴ enfeoff her of the manor. On the other hand, instances may be found of his inflicting injustices that were ~~proved~~

1. The actual enrolment was made by the auditor of the queen's part account: see below, pp. 145-146. It would seem

2. For examples see above, pp. 93-94.

3. A.R. 1014, m.10.

4. A.R. 542, m.5.

certainly not of Eleanor's making. An illuminating example is a plea of William Aubyn, brought by his executor, Philip Aubyn.¹ He declares that the queen ordered Walter to hand over to William Aubyn a boy - namely, Edmund de la Hyde - to keep in all necessities at school at Salisbury. And Walter and William made an agreement on the matter that he should be paid 18d. per week while he kept the boy. Now William kept him for five years and received nothing for it and in this way has been defrauded of £19.10s.0d. The jury summoned in the case upholds the claim now made on William's behalf and judgment was given eventually at Westminster, in terms that are worth quoting as they stand: '....and as to the said 20 marks, for keeping Edmund de la Hyde by the said William Aubyn at the command of Walter of Kent, because it is shown that the said 20 marks were in the account of Walter of Kent, allocated to the said Walter by the Auditor of the said account, therefore it was decided that the said executors should recover 20 marks in the name of the deceased, from the goods and chattels of the said Walter of Kent.' We cannot be perfectly certain that this is to be interpreted as a piece of deliberate misappropriation upon Walter's part, though it certainly looks like it. It would seem

1. A.R. 1014, m.10.

not to the use of the queen. It would appear that this was a somewhat flagrant instance, for later at Westminster both John de Ponte and Richard of Kent - executors of Walter - were present: but when they were asked whether there were any reasons why the justices should not proceed to give judgment 'nothing at all was brought forward, and it was even fully confessed by John that they had nothing to say nor wished to say anything.'¹ Again the jury in the case of William le Wyte² in his plea to recover 16s.

unjustly taken from him by Walter, when asked into whose hands the money went, reply that 'it went into the hands and ^{to} the use of the said Walter of Kent, they think', and judgment was given accordingly against Walter's executors. In another instance it is alleged that Walter evicted one Henry le Frere³ from a piece of land (that had long been in dispute but had finally been adjudged to Henry), overthrew the houses, sold the mill and the stones, destroyed the wood and sold and took the fruits of the earth and the rents and the services for a whole year. Again, clearly, the queen has had no advantage from this tyrannical conduct, for Henry is to recover £50 'de bonis et catallis predictae Walteri de Kancia.' There is certainly a suggestion also

1. Judgment in the case is so badly mutilated and obliterated as to be only partially legible. It seems clear, however, that the plaintiffs were to recover against the executors of Walter's will.

2. A.R. 536, m. 13, 4d, and 2.

3. A.R. 1014, m. 11d.

4. A.R. 836, m. 1d.

5. A.R. 1014, m. 9d.

in both cases: John is charged by the Vicar of the church that Walter used his power on occasion not only to acquire personal gain but also, possibly, to satisfy personal dislikes. Alice the wife of Robert Follet, for instance, complains among a long list of charges that her husband was forced to grant a charter of manumission to his serfs by Walter of Kent and John of Kirkby against his will and 'on account of the hatred of Walter of Kent' and by his procuration.

With far less evidence against them, it is more difficult to analyse the administrative characteristics of Eleanor's other officials, or to endow them, by inference, with more than the most fragmentary of official personalities. One or two points, however, stand out with regard to some ingenious quibble, which may perhaps have some grain of truth in it. In both cases the grateful plaintiffs resort of ruthlessness of action combined with plausibility of their damages 'pro anima regine'. Possibly the most excuse. Before the auditors he figures as a great pleader of exceptiones and was occasionally also successful in shelving the responsibility for doubtful actions upon superiors or inferiors. That he was an official zealous for the very letter of the queen's rights is suggested by authority for his action, he was asked what he had to show as evidence of the command: he replies rather characteristically that he had a letter but has lost it.

1. A.R. 1014, m.9.

2. pp. 98-100.

3. see below, p. and A.R. 542, mm.6,11; A.R. 836,m.1d.

4. A.R. 836, m.1.

5. A.R. 836, mm.1,1d,4d, and 2.

6. A.R. 836, m.1d.

in both cases: John is charged by the Vicar of the church of Aylesham and also by the men of the vill of Aylesham with having evicted them from fishing rights of which they claim records that 'even John' confessed that there was and their predecessors and ancestors, respectively, were in good seisin. John's contention is that he has never prevented their taking fish for their own use, as they have a perfect right to do, but he declares that they were not allowed to catch and sell the fish, and he says stoutly, if he prevented them from doing this, then he did quite rightly. In both cases, however, they prove their right to use or give or sell the fish as they choose. The instances are trivial in themselves, but John seems to have decided that the best defence was attack, and produced an ingenious quibble, which may perhaps have ^{had} some grain of truth in it. In both cases the grateful plaintiffs remit their damages 'pro anima regine.' Possibly the most flagrant charges against John are those in the plea of Robert de Manteby - quoted above ¹ - but John in this case successfully asserts the responsibility of John of Lovetot. In one case where he alleged the queen's order as the authority for his action, he was asked what he had to show as evidence of the command: he replies rather ² characteristically that he had a letter but has lost it.

2. He is referred to as bailiff or goodman bailiff of the
 1. pp.98-100.
 2. A.R. 836, m.1.
 3. see above, pp. 27-28.

Perhaps there is a subtle interpretation of the phrase implying the complete hopelessness of the case when the clerk records that 'even John' confessed that there was nothing to say in defence of Walter of Kent on an occasion quoted above.¹ More than half the cases against him are brought from Norfolk, the other counties from which charges come being Lincoln, Cambridge and Kent.² On the whole, he appears to have been a trivial though frequent offender,

The charges against John son of Thomas are drawn almost exclusively from Hampshire, where, as steward of the New Forest and bailiff of others of the queen's lands in the county and in the Isle of Wight,³ his activities were constant. The most interesting point that emerges from a consideration of the charges against him is the friction that is revealed between the queen's steward and bailiff and the great landed interest of the district represented by the countesses of Albemarle and of Devon. On the same day at Salisbury, namely, the quindene of St. Hilary, both Isabella de Fortibus, countess of Albemarle, and Margaret de Redvers, countess of Devon, lodge complaints. The plea

1. see p.120.

2. He is referred to as bailiff or quondam bailiff of the queen's lands: in Kent he figures also as constable of Leeds Castle (A.R. 542, m.11d.)

3. see above, pp. 27-28.

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of Isabella is really a revival of an old question which had long been in dispute between the king and the countess regarding her wood of Lymington, which she now produces under the guise of a disseisin by the queen's bailiff, John son of Thomas, who, she says, has unjustly taken it into the queen's hand ten years ago. Isabella declares that this wood is outside the New Forest and belongs to her in the hundred of Christchurch.² John, however, says that he had the king's orders in writing to take that land into his hand for various reasons in the 9th year of the reign (1281)³; also he says that four years later the queen, acting upon a judgment of the king's justices that the wood was an appendage of the New Forest,⁴ ordered 'that I should take

1. A.R. 1014,m.10; Isabella de Fortibus, countess of Albe-marle, afterwards also countess of Devon (Inq.Post.Mortem Ed.I. vol.3, p.38, no.49), and also sometimes referred to as 'domina de Insula' (C.P.R. 1281-92, 461), was sister and heir of Baldwin de Insula or de Redvers, earl of Devon (C.P.R. 1272-81, 409,472; C.C.R. 1288-96,p.236), husband of Margaret de Redvers. For the lands held by Isabella and the dower lands of Margaret, which were of Isabella's inheritance, see Inq.Post Mortem Ed.I. vol.3, p.38,no.49; and p.98,no.156. Margaret died early in 1292, her lands in Devon, Herts., Surrey, Hants. and the Isle of Wight reverting to Isabella, who held also in Northants. Oxford, Dorset, Suffolk, Herts. and Devon. Isabella herself died towards the close of 1293.

2. See also A.R.1014,m.2 and p.151 below.

3. C.C.R. 1279-88, p.88, 2 June, 1281. Order to John son of Thomas.

4. Geoffrey de Picheford and Walter of Kent were appointed to inquire into the whole question on 10 June, 1281, C.P.R. 1272-81, p.472. Apparently decided against Isabella.

5. C.P.R. 1281-92, p.391; C.C.R. 1272-81, p.474.

that land into the hand of the queen and that I should take custody of it as I had done others of her things¹ and that I should not permit any other to enter it.' John points out that as he had done this by specific command of the king and queen, he ought not to be asked to justify himself further. Isabella was not to be cowed by talk of royal commands, and as she holds to her claim the case was withdrawn to Westminster, where John of Berwick appears and supports John son of Thomas, saying that he had acted as a 'good bailiff' in the matter. After many vicissitudes the case is finally dropped, because it is pointed out that the countess had appealed elsewhere to the king and his council and the case was pending before justices specially assigned. The case is an interesting attempt on the part of the countess to have concluded in the possibly favourable atmosphere of the commissioners' court a long drawn out and troublesome dispute in which, despite her tenacity, she had as yet failed to get the better of the royal justices. It may be noted, in passing, that Isabella would appear to have been a vigorous personality. The Abbot and Convent of Quarr had in 1282² to ask for royal protection against her persecution, and even though the king took the convent first under his

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1. It is interesting to notice that the clerk in recording these remarks lapses into the first person and gives us, apparently, John's very words.
 2. C.P.R. 1281-92, p.39; C.P.R. 1272-81, p.474.

protection and then into his hands, the persecutions were continued and were made the subject of a commission of oyer and terminer.¹ At the same time she was carrying on a vigorous dispute with Edmund, earl of Cornwall, regarding the wood of Swyndon. A commission of oyer and terminer was assigned to deal with the matter in May, 1280², but the dispute was still being carried on with vigour in 1284³, when persons hostile to the countess prevented the jurors⁴ from attending the inquisition arranged between them.⁵ The charges brought by Margaret de Redvers reveal an accumulation of petty irritations and a sense of very strained relationships between the queen's officials and the countess. The recital of this group of charges upon the Assize Roll occupies both sides of one whole membrane, but unfortunately, the end is so mutilated and illegible that the judgment in only four of the fourteen pleas is available. In fairness to John son of Thomas it must be said that on the whole, it looks as if some, at least, of the charges were maliciously brought. Of one charge, John was acquitted without further inquiry, because the action could be brought - by rights - only by Isabella, countess

1. C.P.R. 1281-92, p.102.

2. C.P.R. 1272-81, p.409.

3. C.P.R. 1281-92, pp.90 and 92.

4. C.P.R. 1281-92, p.141.

5. see above, pp.97. and A.R. 1014, m.2.

of Albemarle. All the other thirteen charges were the subject of inquiry by jury. In the first two the jury finds for John de Ponte, and in the next, while acknowledging the right of the countess's claim, they declare that John was not the person responsible and therefore the countess, while recovering her rights and damages, is at the same time to pay a fine. On the fourth plea they find for Margaret. On the whole, then, as far as our evidence avails, it would appear that the honours were divided, that in some instances, at least, the charges were commonly supposed to be unfounded, while in another, where the wrong was admitted, John was proved not to be the culprit. What is clear, however, is that there is undoubted evidence of friction. As steward of the New Forest he was inevitably concerned with breaches of Forest regulations. The case of John Tule suggests in this connection that officials of the forest may have been the victims of a general resentment against the enforcement of those regulations. He complains that John son of Thomas and Moses of Waltham maliciously imprisoned him for the crime of hunting 'that was unjustly charged against him by his enemies.' Hugh de Turbeville and William de Sanchia were assigned to scrutinise the rolls of that eyre of the Forest and later at Westminster they declare that John was

1. A.R. 1014, m.1.

rightly indicted and made a fine. In this instance it seems clear that the queen's officials were wrongfully charged.¹

Other similar instances occur elsewhere on the rolls. As a rule such pleas were unsuccessful, and suggest that the plaintiffs thought any excuse good enough for disputing an adverse decision on Forest law.

The accusations against Robert de Petra, which appear, with two exceptions, upon the Westminster roll, all come from Norfolk. A notably large proportion of cases in which he is cited fall to the ground through failure of the plaintiffs to prosecute.² Of the rest, the four in which judgment is recorded all go in his favour. It would appear, then, that this queen's bailiff, at least, was unfortunate in the allegations made against him, most of which would seem to have been ill-founded. He was unfortunate, too, in finding himself committed to prison as a result of the one charge that was successfully maintained against him, namely, that of Cecilia and Beatrice Cleynkenayl.³ They declare that he fraudulently retained a writ of right regarding two messuages and 9 acres of land in Cawston, which they had obtained from the king - to their damage 100s. They say that when he was summoned to London by order of the auditor

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1. e.g. A.R. 1014, m.1 (Robert de Lucy), m.1d (Johanna de Vinone) m.4d (Robert Rossel).
 2. Of fourteen cases recorded on these rolls, seven terminate with Robert 'sine die' and the plaintiffs 'in misericordia' for this reason.
 3. A.R. 836, m.1.

of the queen's account, he handed over to his clerk all the rolls of his court at Cawston and all writs still pending, except their writ, which he falsely and maliciously retained. The plaintiffs at this point in the proceedings withdrew the action, but not in time to save Robert from having to confess that their assertion was true and that he had retained that writ 'in contemptum domini regis et in scandalum domine regine.' Therefore, Robert was committed to prison at the king's pleasure until later he made a fine for £10. Certainly one of the lesser offenders, he suffered sufficiently heavily as a result of this one lapse from official virtue.

As 'auditor compoti regine' John of Lovetot¹ was less frequently and intimately connected with the everyday administration of the queen's lands than those who occupied the position of bailiff or steward. A justice, he was at this very moment being dragged from the obscurity which was the lot of the virtuous official into the revealing light of the special commission of 1290-93.² Although he received³ official pardon for his misdeeds on 12 February, 1291, it was not before he had acquired an unenviable reputation. Charges against him were comparatively rare, the greater

1. see below, pp. 145 - 147, 154 - 155.

2. See State Trials. Between Easter, 1290, and Michaelmas, 1293, Lovetot had paid £1,333.6s.8d. in fines to the king in return for pardon of his offences. p.XXXVIII. Receipt Rolls 18-21 Ed.I.

3. C.P.R. 1281-92, p.421.

number coming from Norfolk and Hampshire. The most interesting fact that emerges from an examination of cases in which he is involved is that he can be seen sometimes standing behind the accused officials, who allege that they are acting upon his orders or advice. In several cases of disputed extents this is so, and it would appear that his instructions were those of the man at the centre, anxious to get his complicated accounts to balance and not always fully acquainted with the details of local affairs. This is a possible explanation of some of the cases in which he - through the medium of Walter of Kent, John de Ponte or John son of Thomas - was involved.

In a case quoted above, the poor tenants of Henry Auger successfully contend that John caused to be placed in an extent works wrongfully demanded by Walter of Kent. Again, men of the New Forest who complain that Walter has demanded payments for a 'turbaria' that no longer exists, add that John of Lovetot has enrolled that holding in the rolls of the manor and demands that payment yearly. When Robert of Manteby complains of a false distraint by John de Ponte³, John of Lovetot agrees that the bailiff acted on his orders: also, John son of Thomas, accused of taking the

1. see p. 93-94; A.R. 1014, m.7.

2. see p.93; A.R. 1014, m.6. below, pp.154-155.

3. see pp.98-100, 122; A.R. 836, m.1d.

4. see p. 101 above; A.R. 836, m.2d.

manor of Compton Chamberlain unjustly into the queen's¹ hands declares that he has only obeyed John's orders. The poor tenants of the king in his vill of Cawston complain that after that land came into the queen's hands, John of Lovetot ordered the reeve and the messor to insist on² certain dues being paid at an increased rate. On the whole, there cannot be said to be any particularly damning bulk of evidence against him here: on the contrary, his appearances are surprisingly infrequent.

Humphrey de Waleden is not one of the most frequent offenders, but when he does offend, at least, on occasions, it is with bewildering thoroughness. Unfortunately, we are left without a judgment in the case of John, son of Robert of Erpingham, quoted above³, which might otherwise give us in one example conclusive proof of a tyrannical outlook and method. Charges against him come from Somerset, Wiltshire, Dorset and Norfolk. Nothing of particular note suggests itself from a survey of his misdeeds.

c) The Queen.

It is interesting to notice that Eleanor herself is more frequently named as the source of injustice than any one of her officials. The reason for this must often be,

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1. A.R. 1014, m.8d. See below, pp.154-155.
 2. A.R. 1014, m.6d; see p.92 above.
 3. see p. 101 above; A.R. 836, m.2d.

of course, that the plaintiffs do not know, or do not remember, the names of actual officials concerned: but only know that the offences occurred upon the queen's lands that that she was therefore somehow vaguely responsible. On the other hand, in some cases, at least, there is a suggestion that she was the real offender in the case, and a note of something like personal reproach makes itself felt. For instance, it would seem that Eleanor was apt to promise rashly when she could get in return something that she particularly desired, but having achieved her end, she was not always careful to carry out her part of the bargain. ¹ William de Detlyng, for instance, demised the manor of Rowley in Staffordshire to the queen, for which he might have had £30 and one palfrey: but he says 'since the queen much desired that manor' he gave it to her in return for her promise that she would promote him or one of his relations. He complains bitterly that he has had ² nothing of her promise! Again, the Abbot of Cerne complains that when he and the convent enfeoffed the queen of the village of Selcombe - worth 100s. per year - the queen ² promised to give them compensation: but nothing was done to

1. It is interesting to note that the Abbot produces a letter from the queen, which though short is perhaps worth quoting. 1. A.R. 542, m.3. to show that the promise is definite enough, even though the terms are vague: 'The Queen thanks the 2. A.R. 1014, m.1; see also A.R. 542, m.7d. to her wishes and assures them that she will help them and promote anything that is useful to them. Given at Exeter. I January under our Privy Seal.'

2. See p. 109 above; A.R. 542, m.9.

3. A.R. 542, m.5d.

4. A.R. 1014, m.7.

house constructed 'a proprio solo', this had not been carry out that promise. A further instance - that of Agnes. It is only in 2. to Eleanor, however, to mention the Abbot of Thorney - has already been quoted above here the case of Agnes de Sparkeford, the recital of whose injuries at the hands of William of Faleneye occupies of highhanded action by the queen herself in the case of more space upon two of the 3 rolls than any other plea. Philip and Margaret le Lou, who were heirs to land of In this, perhaps, along of all the cases we see Eleanor which the queen had custody: they say that she forced them playing her traditional role in history - that of the 'loving mother' to her people. Agnes de Sparkeford was an to her, while Philip was still under age. Unfortunately the case ends 'loquendum cum rege' and we do not hear whether their claim was admitted or not. Again, there is the case of the lands of the imbecile John de Ispannia (above p. 81.), which the queen has refused to hand over to the rightful heirs now that John is dead. John of Cameys of Lyndhurst complains that the queen caused his messuage and anger against this false man, and she told the whole that was next to her manor of Lyndhurst to be included in that manor, and overthrew his houses and caused them to inquiry. This inquiry was held before Walter of Wymburn, be burnt by workmen on her estate. And though she had afterwards promised that these damages should be repaired the commissioners, however, William gains his case that and restitution made, yet this had never been done: and though she had often promised to restore to him a certain

1. It is interesting to note that the Abbot produces a letter from the queen, which though short is perhaps worth quoting, if only to show that the promise is definite enough, even though the terms are vague: 'The Queen thanks the Abbot and monks of Cerne for conceding to her wishes and assures them that she will help them and promote anything that is useful to them. Given at Exeter. II January under our Privy Seal.' p. 121.

2. see p. 108 above; A.R. 542, m. 9.

3. A.R. 542, m. 6d.

4. A.R. 1014, m. 7.

house constructed 'a proprio solo', this had not been done. It is only just to Eleanor, however, to mention here the case of Agnes de Sparkeford, the recital of whose injuries at the hands of William of Pateneye occupies more space upon two of the rolls than any other plea. In this, perhaps, along of all the cases we see Eleanor playing her traditional role in history - that of the 'loving mother' to her people. Agnes de Sparkeford was an unfortunate lady whom William of Pateneye had persuaded to enfeoff him of her lands, on his promising to marry her. When Agnes had parted with her lands, William declared that he would not and indeed could not marry her - because he was married already. Agnes brought her tale to the queen and we are told that Eleanor was 'moved to pity' and anger against this false man, and she told the whole story to her husband, who, it was said, ordered an immediate inquiry. This inquiry was held before Walter of Wymburn, and as a result Agnes recovered seisin of her lands. Before the commissioners, however, William gains his case that he has suffered unjust eviction, on the ground that the inquisition was held without formal writ of the king, and without the concurrence of Walter's colleagues, Ralph de

1. Partenaye (?)

2. A.R. 542, m.8; A.R. 1014, m.3. See also Rot.Parl.I, p.53.

3. Rishanger, R.S., p.121.

Hengham and Nicholas de Stapleton. That Agnes did not in the end get full justice was not Eleanor's fault, and her intervention on behalf of a shamefully deceived fellow-woman is good to know of. It may be remarked, however, that she had not, at the time, any personal interests at stake, and even profited by her compassionate action. For it is interesting to notice that for the time during which Agnes enjoyed the recovered seisin she enfeoffed the queen of her lands, perhaps from gratitude and probably for greater security, the queen giving her each year until her death 10 marks 'pro victu et vestitu.'¹ regretted that the records of the commission add nothing to our scanty knowledge of these institutions, either by supplying further details of personnel or of functions. The most that the investigation has been able to do in this regard is to extend our knowledge of such individual servants of the Queen as her clerks, Walter of Kent and Hugh of Crossingham, and to show them engaged upon the unpopular business of keeping the centre supplied financially. It is with the fiscal, judicial and general administrative activities of her officials in their localities that our records are principally concerned. An attempt will be made, therefore, to examine the duties in

1. See note 3, p. Xii. For Eleanor's central administration see Tout, Charters V, pp. 235-239, etc.

2. With one of its keepers, John of Berwick, we have already come into contact, as an executor of Eleanor's will above pp. 49 seq.; Richard de Bures, controller in 1200-01 (see E372/143, n.36) is given also, probably in error, the title of custos on the Pipe roll for 1200-01, n. Somerset & Dorset (E372/144).

B. Light thrown upon some aspects of the Queen's Administrative Organisation.

Eleanor's administration was organised at its centre upon lines which recent researches into royal, semi-royal and great private households have made increasingly familiar.^{1.} Her wardrobe, though subordinated to that of the King, had its own keeper, controller and clerks; her exchequer at Westminster was an important new development, and her treasury and chamber^{was} also established there. It is to be regretted that the records of the commission add nothing to our scanty knowledge of these institutions, either by supplying further details of personnel or of functions. The most that the investigation has been able to do in this regard is to extend our knowledge of such individual servants of the Queen as her clerks, Walter of Kent and Hugh of Cressingham, and to show them engaged upon the unpopular business of keeping the centre supplied financially. It is with the fiscal, judicial and general administrative activities of her officials in their localities that our records are principally concerned. An attempt will be made, therefore, to examine the duties in

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which we find the Queen's stewards and bailiffs engaged; to inquire how far it is possible to distinguish between the functions of stewards and bailiffs; to illustrate the relationship of these officials with their subordinates — sub-bailiffs, reeves and so forth — on the one hand, and with the "auditor compoti regine" on the other; and lastly to show how the local officials were connected with the centre.

The writer has not found it possible to reconstruct the framework of this machinery in anything approaching completeness: the evidence has frequently failed at crucial points, whilst the meaning of the facts available is often hard to interpret. On every side we are hampered by lack of corroborative and explanatory evidence: on the fiscal side, we have not a single record of Eleanor's exchequer; on the judicial side, we have not a single court roll. This wholesale failure of other evidence seriously limits the use that can be made of much material that our rolls contain, and renders our suggestions to the last degree tentative. In these circumstances, the difficulty of grouping even a selection of the many and varied instances of official action that we have before us into a coherent whole is very great: while, at the same time, one is assailed by fear of attempting to force into the rigidity of a "system", actions that were probably in reality so little systematised. Every investigator

1. Vinogradoff: *The Growth of the Manor* (1905), p. 391.
2. Pollock & Maitland: *History of English Law* (2nd ed. 1898), I, p. 624.

of such problems must be aware of the diversity that underlies the superficial unity of historical systems, which are, in the words of Vinogradoff "pregnant with contradictory principles and various possibilities"^{1.} and, as Maitland puts it "more prominent in modern theories than in mediaeval texts"^{2.} Moreover, to attempt to dogmatise as to the details of organisation is, in this instance, to attempt to make bricks without straw. Use will be made of the facts, therefore, to illustrate and suggest, rather than with any hope to establish, the outlines of Eleanor's local administration.

(1) Stewards, Bailiffs and the Auditor of the Account.

Among the Queen's officials whose wrongdoings were recited before Ivingho and his colleagues, the most prominent, as we have seen, were her stewards and bailiffs. Her lands were organised for the typical manorial purposes of husbandry, justice and order, and intimately connected with both the former — finance. Of these, husbandry, in reality the most fundamental and important, concerns us little here. Bailiffs in their capacity of husbandmen, reeves, haywards, foresters and other lesser officials appeared comparatively rarely before the commissioners; and when they did so it was, as a

1. Vinogradoff: The Growth of the Manor (1905), p. 291.

2. Pollock & Maitland: History of English Law (2nd ed. 1898), I, p. 594.

rule, when they were taking part in some business delegated by the steward, or the bailiff in his fiscal or judicial capacity.^{1.} It was naturally those officials who were most nearly concerned with the salutary but unpopular processes of justice, and the collection of revenues who achieved unenviable prominence before the justices.

The main difficulty in attempting to analyse the distinctive functions of stewards and bailiffs is the primary one of definition. The term steward, in a limited degree, and much more the title of bailiff, was applied with bewildering promiscuity to persons of varying status, whilst we have already seen that some of Eleanor's officials exercised both offices, or at least were known by both titles.^{2.} Possibly some suggestion of the relative importance of the two offices may be deduced from the fact that whereas the names of only ten stewards (including three stewards of the New Forest, whose office partook more of the nature of a bailiwick) have emerged, more than forty of Eleanor's bailiffs were named before the justices. It seems probable that the Queen had only one steward^{3.} at any one time, and if this were so, then it would constitute a first and fundamental distinction

1. As, for instance, helping to carry out distrainments, or evictions from land, and so forth.

2. We are referring here to the steward proper, and disregarding, for the moment, the steward of the New Forest.

3. Ibid.

between the two offices. There appear to have been no obvious territorial limitations to the powers of Eleanor's stewards. The organisation of a later queen, Philippa of Hainault, included two stewards exercising their functions north and south of Trent respectively,¹ but there is no evidence of any definite arrangement of this kind upon Eleanor's lands.²

Of those six of Eleanor's stewards whose careers can be traced,³ an attempt can be made to fix the date of the appointment of four:

John of Weston	-	first mentioned as steward in	1264.
Walter of Kent	-	" " " " "	1276.
William of St Clare	"	" " " " "	1285.
Hugh of Cressingham	"	" " " " "	1290. ⁴

Even when allowance has been made for the fact that we do not know at what date the office was relinquished in each

1. Tout, Chapters, V, pp. 250-251, etc.

2. The possibility, however, is not thereby definitely excluded, since the evidence of the rolls is exclusively "south of Trent". On the other hand, it would seem very unlikely that had any such arrangement existed no hint of it should be found in references to the Queen's stewards amongst the various Chancery enrolments.

3. Excluding, for our present purpose, Richard Doyns, whose career the writer has been unable to trace.

4. C.P.R. 1258-66, pp. 324-5; C.C.R. 1272-79, pp. 267. C.P.R. 1281-92, p. 210; ibid., p. 398 respectively. The reference of Walter of Kent on 25 April, 1273, as "steward of the King and of Eleanor his consort, of Totton" (C.P.R. 1272-81/^{p.8}) is curious. Can bailiff be what is really meant here?

case, and that we do not know the date at which John de Ponte and Geoffrey de Picheford held that office, the sequence of dates certainly suggests a single steward. Yet Richard Maylle, in his plea before the commissioners, said that he was granted a manor at farm for a term of years by "William St Clare and John de Ponte then stewards of the Queen"¹ — so inferring the presence of two officials so called at the same time. On the whole, however, one is inclined to think that this may well have been a mistake on the pleader's part. Both William and John were Queen's officials, both of them certainly stewards at some time, and this may easily have led Richard to describe them loosely as stewards, though at the time of the offence one of them possibly held some lesser office.² The suggestion that the Queen had only one steward is at least partially supported by the fact that complaints were brought against Walter of Kent from no less than ten counties, as we have already seen.³ This postulates a widespread right of intervention. On the other hand, charges

1. A.R. 836, m.5.

2. John de Ponte was possibly exercising his office of bailiff. It must be admitted, however, that were this the case John would hardly have missed so excellent an opportunity to plead yet another exceptio. *Charters*, V. — and other investigations.

3. Above, p.116.

against John de Ponte were almost exclusively from Norfolk, where he was bailiff of the Queen's lands — an added complication. Confronted with these "contradictory principles and various possibilities", which illustrate the difficulty of reconciling the evidence, the writer would only venture to suggest that the presumption, on the whole, is rather in favour of there being only one steward of the Queen's lands at any given time, although this point can hardly be proved.

Should this presumption be correct, then it would place the steward amongst the Queen's central administrative officials, though closely connected also with local affairs, and sharply distinguish him from both the steward of the New Forest and the bailiffs.¹ The local nature of the duties of the steward of the New Forest is clear;² it is equally plain that his existence did not prevent the intervention of the Queen's steward proper in the affairs of the Forest. It has been shown that almost half the offences with which Walter of Kent was charged were committed in Hampshire and the New Forest.³ It is notable, however, that the majority of these

1. And this would appear to have been the "normal" — as far as we may venture to use that word — position for the steward to hold. Cf. W. Rees, South Wales and the March; E. Swift, unpublished thesis on the administration of the Winchester estates; M. Sharp in Tout, Chapters, V, — and other investigations.

2. The best example of his various local activities is to be found in the collection of charges brought against John son of Thomas by Margaret de Redvers, Countess of Devon. A.R. 1014. m.2.: see also p. 126.

3. See pp. 116-117.

offences were directly or indirectly connected with the making of extents of land,^{1.} a duty with which the steward was apparently primarily engaged in all parts of the Queen's estates. Her bailiffs, whether of a manor, a group of manors, or a hundred in the Queen's hands, exercised only local functions. Hence we have, for example, William Bekke described as "bailiff of the Queen at Skothowe";^{2.} John de Ponte, in 1281, as bailiff at Martok and Hurst;^{3.} Hugh of Cressingham, in 1290, as bailiff in her barony of Haverford;^{4.} William^{de} Chidecroft bailiff in the hundred of Washlingstone;^{5.} Richard Cole, in the hundred of Redbridge^{6.} — and so forth.

The steward's general supervision of the Queen's interests on her estates was shared by the auditor of the account, an office connected in the rolls of the commission particularly with the name of John of Lovetot. In bare outline, then, which is the most that can be attempted, the Queen's administrative staff upon her estates appears to have consisted of two officials whose powers seem not to have been

1. P.117 above.

2. A.R. 836, m.3d.

3. C.C.R. 1296-1302, p. 60.

4. Rot. Parl. I, pp. 30, 33.

5. A.R. 542, m.1.d.

6. Ibid., m.4.

territorially limited, namely the steward and the auditor of the account; a steward of the New Forest, whose powers were confined to that district; numerous bailiffs at work in their localities, and their underlings.^{1.}

(ii) Their Duties.

The writer of the Seneschauce describes how the steward "deit a sa premire venue a maners fere mesurer trestoz lor demeynes de che^{sc}xoin maner par leal genz e il deit sauer par la perche del pays quantes acres il iad en chescun champ esi put il ver quant des acres deiuent estre are par an de priere e de costume e quant des acres remenant a gaignes des charues del maner e partant put il ver quant des acres deiuent estre siez de priere et de costume e quant des acres pur deners e si il iad nul treget en la semence o en le arure o en le sier legirement le aperceura".^{2.}

The great holder of land was necessarily at a disadvantage in dealing with the scattered estates, each with its intricate complication of services and dues, money payments and payments in kind, to say nothing of the opportunities

1. Evidence of detail is too scanty to allow us to attempt for Eleanor's administration a table such as that drawn up for the Welsh lordships by Dr William Rees (South Wales and the March 1284-1415, pp. 72-73). His arrangement of parallel lines in different functions shows little overlapping and, for our purpose would need considerable modification.

2. Loc.cit., pp. 84-86.

enjoyed by the bailiff or his subordinates of cheating a remote overlord in the details of actual husbandry. It was an obvious necessity, then, that the Queen's most trusted officials should be thoroughly informed of the services, dues, rents and payments of all kinds owing to her in respect of each holding. The duty of searching out and maintaining the Queen's rights in these respects appears to have been shared by the steward and the auditor of the Queen's account. Among the cases heard before the commissioners is a large group from Hampshire which illustrates admirably the action of these two officials, in the persons of Walter of Kent and John of Lovetot.¹ The cases show Walter, as steward, making extents of the Queen's lands, visiting the various estates, inquiring into dubious rights, increasing rents of necessary,² and fixing the rate at which money payments or payments in kind were to be made or services rendered.³ John of Lovetot, as auditor of the account, would then cause the extent to be

1. A.R.1014, especially mm. 5, 6, 7 and 8.

2. *Ibid.*, m.2d, in the plea of the tenants of Aylesham, they asked that they might not have to pay the increased rent demanded, but admitted that "predictus Walterus de Kancia de iure potuit super ipsis predictum redditum accrescere".

3. E.g., m.6, in the case of the 32 men of the New Forest. m.7, the poor tenants of Henry Auger and the men of Depedene. m.1d, Richard le But, Adam de Bradelee and Johanna de Insula.

enrolled, entering thereon all the sums or services that the steward had demanded as due. One or two examples may be given to show how this process, upon Eleanor's estates, was used for extortionate ends. In the case of Richard le But^{1.} and his friends, the plaintiffs say that Walter demanded from them 30s. more than they ought to pay: and because John of Lovetot found that Walter had exacted that sum he entered it in the extent and charged the bailiffs to produce it each year. The tenants of Henry Auger^{2.} who had helped John of Godshill with his ploughing and harvesting simply as a friendly act, found themselves charged by Walter to produce 12d. for the ploughing and 23d. for the harvesting, which was entered by John of Lovetot in the extent, and levied from them, in consequence for twelve years. There are many other examples of the process, which was one that lent itself to considerable abuse and consequently was prominent in the proceedings before the commission. A significant fact that emerges here is the passive part played by the bailiff. Presumably both bailiffs and reeves, would be expected to give information and help to the steward in making the extent; but once it was made they appear only to have been responsible

1. A.R. 1014, m.1d. The birds are only worth 1d.

2. Ibid., m.7. and another can hardly be described as regular income, since they naturally produced greatly varying amounts from year to year.

for the production of the sums and services that ~~his~~^{the} steward and the auditor demanded, without responsibility for the justice of those demands.^{1.}

An interesting minor point, which may be noted here, illustrates how closely practice on Eleanor's lands appears to coincide with the precepts of Walter of Henley. Among other things he says that the steward must find out how much the customary tenants hold and by what services; and, he proceeds, "custumes en deners seyent mys".^{2.} From several cases in our rolls it is clear that this rule was followed, and that actual commutation of dues in kind, for money, was taking place.^{3.}

The actual collection of the money exacted by the steward was carried out by the bailiffs in their localities, aided by their subordinates, and this was an extremely important part of their work. The Queen was dependent upon her lands for the supply of her regular income,^{4.} which was from the produce of the land; dues and rents; and amercements

1. See below, pp. 154-155.

2. Loc.cit., p. 6.

3. E.g., A.R. 836, m.6d, where the tenants of Cawston dispute Lovetot's demand for 1¹/₂d. for each hen that was due, whereas they say that the birds are only worth 1d.

4. Queen's gold and amobrage can hardly be described as regular income, since they naturally produced greatly varying amounts from year to year.

and fines made in her courts. The bailiffs appear to have been chiefly responsible for making attachments and distraints, and causing those who defaulted in payment to appear at the manor or the hundred court,^{1.} and by their activities the judgments of those courts were made effective. These functions are of so familiar a kind that since we have no evidence of Eleanor's officials having shown peculiarities in organisation or method (except in so far as they seem to have aroused peculiar hostility), to amass illustrations from the numerous examples which occur in the records of the commission would appear to be unnecessary. The most casual glance at the rolls is sufficient to show the ubiquity and importance of this task of collecting the Queen's revenues.

As the steward was the responsible official in the matter of assessing and collecting all that was owing to the Queen, so he was responsible also for the exercise of the Queen's judicial functions in her manors, and for royal jurisdiction where that was delegated to the Queen's hands. Again, the task of holding manorial and hundred courts was also participated in by the bailiffs. Unfortunately our evidence affords us no precise details on the subject. The work of various historians (and especially Miss H.M. Cam) on the organisation of the county and its subdivisions has already

1. Rolls of the Commission, passim.

given us a general picture of the administration of hundreds in private hands: "in private hundreds it was sometimes the bailiffs and sometimes the seneschal of the lord who held the court. The bailiff was bound to be present in any case. In those private hundreds where the sheriff was not admitted to hold his turn the lord might hold a similar court twice a year for the hundred himself....."^{1.}, but we are unable to say how far practice in those hundreds which were in Eleanor's hands conformed to this pattern. It may, however, be assumed that the ordinary three-weekly court of such hundreds would be held either by the steward or bailiff. There is an example, for instance, of charges brought against one Thomas de Ristone, before Solomon of Rochester, justice in eyre in the county of Norfolk: but since Thomas came from the Queen's liberty of Erpingham he was handed over to John de Ponte, bailiff of the Queen in those parts, who should hear and determine the charges against him: and Thomas was convicted of many wrongdoings before John.^{2.} Whoever actually held the tourn, the bailiff would make all preparations for the holding of the court, and it is possibly to all the preliminary arrangements of date, place and summons that John son of Robert of Erpingham referred when he alleged^{3.} that

1. H.M. Cam, The Hundred and the Hundred Rolls, pp. 185, 187.

2. A.R. 836. m.3.

3. A.R. 836. m.2d.

Humphrey de Waleden caused the Hundred court "to fail" on a certain day: and summoned it again for another day on which he knew that John could not be present. Manorial jurisdiction was probably exercised mainly by the bailiffs. For example, in a plea brought before the King and council in the eighteenth year of the reign John of Newburgh says that the free tenants of the Wynfrith Newburgh (of part of which he claims to have been enfeoffed) "*fecerunt sectam ad curiam ipsius Domine Regine quam Ballivi sui ibidem tenuerunt*"^{1.} At Haverford in the same year, however, her court is described as having been held "*coram senescallo et ballivis suis*"^{2.} Hugh of Cressingham who was at this time steward of the Queen's lands being also one of her bailiffs in the barony. Cressingham's dual office makes it impossible to discover whether in holding the court there he was acting in his capacity of steward, or of bailiff. The whole question of the extent and nature of the steward's authority in the Queen's courts remains obscure, and conjecture is possibly not very useful. All that can be said from the actual facts before us, is that both steward and bailiffs are seen to be active in the administration of justice upon the Queen's lands and that analogy with the state of affairs in other administrative

1. Rot. Parl. I, p. 21.

2. Ibid., p. 30. This case is most interesting. In it reference is made to the Queen's chancery and seal for her barony of Haverford.

1.
systems would lead us to suppose that the steward was the supreme judicial official, as the Queen's representative. Evidence as to detail elsewhere, however, cannot be accepted as evidence for Eleanor's organisation, since variation was probably very considerable.

It may be mentioned here that sometimes the Queen's courts and officials tended to usurp the judicial privileges of neighbouring lords. The Countess of Devon, for instance, complained that whereas the foresters of the New Forest were never accustomed to enter the hundred of Christchurch to make attachments or distraints for any cause except "vert and venison" — yet John son of Thomas caused his foresters to enter that hundred, and made heavy distraints and carried off some of her people to the court of the Queen at Lyndhurst to answer charges against them, and amerced them there.^{2.} Again, William, bishop of Salisbury, complained^{3.} that whereas the tithing of Fy^fhide owed suit at the three-weekly court of his hundred of Potterne,^{4.} yet Humphrey de Waleden bailiff of the manor of Lavington, now in the Queen's hands forbade them to

1. See, for instance, W. Rees, ~~M. Sharp~~, E. Swift — though in each case the lands dealt with have peculiar circumstances that render them definitely special cases.

2. A.R. 1014, m.2.

3. A.R. 1014, m.1.

4. Rougeberhe: identified by Miss Cam as Potterne. (H.M. Cam: op.cit., Appendix IV, p. 284.)

do suit except twice a year. It is amusing to notice that Humphrey successfully maintained that this was not due to any malevolence upon his part, but to the fact that he had been misinformed by the men of that tithing themselves. An interesting case of an amalgamation of jurisdictions is that in which Richard Cole, bailiff of the Queen's hundred of Redbridge was said unjustly to have impleaded Robert Baldwin¹ in the court of the Queen at Lyndhurst, whereas he held nothing in that manor, and the offence which amounted only to "quedam contumelia verbosa" had occurred at Robert's house at Redbridge. The jury, when asked if men of Redbridge were lawfully attachable to reply to charges in the court of Lyndhurst for offences perpetrated at Redbridge, said that this was the custom after the manor of Lyndhurst fell into the hands of the Queen, for the hundred of Redbridge was also in her hands.

(iii) Relations between Officials and various Grades.

The relations between the various ranks of Eleanor's officials raise some interesting points. All, of course, were subject to direct orders from the Queen, and in practice we find that she used her steward and bailiffs for a great

1. A.R. 542.m.4.

variety of miscellaneous business. Frequently before the commissioners the defendants claim that their action has been taken "by command of the Queen" — and if this could be maintained it was a sufficiently good defence. When Isabella, Countess of Albemarle, for instance, accused John son of Thomas of unjustly taking into the Queen's hand her wood of Lymington,^{1.} he produced the Queen's written command as his authority, and John of Berwick remarked that he had acted as a good bailiff should. There are several similar examples, many of which tend to show that though Eleanor's commands were good authority, yet they frequently led to trouble!

Likewise, the steward had power to give direct orders to bailiffs and their subordinates. Walter of Kent, for instance, "prohibited" the bailiff and reeve of Camel from paying tithes to the Abbot of Cleeve.^{2.} Equally, bailiffs had power to command the lesser people.^{3.} Occasionally, the word "superius" is used in describing the higher official in such cases. Godfrey Leggy, sub-bailiff, accused of immoral behaviour by John of Windsor, complained to William de

1. A.R. 1014. m.10: see also m. 6d.

2. A.R. 1014. m.8.

3. E.g., A.R. 836. mm.1, 2d.; A.R. 1014, m.6.

Chidecroft "superius suus"^{1.}; whilst on another occasion John de Ponte similarly refers to John of Lovetot.^{2.} This last instance in which responsibility for action was twice referred back to a higher official raises an interesting point. It seems to hint at a certain degree of irresponsibility in the lower ranks of the Queen's service, if only those acts could be proved to have been committed at the dictation of some higher official. The defendants in this case, clearly considered it to be a reasonable defence, and the justices accepted it as such at least to the extent of summoning John of Lovetot, whom they had named as responsible, to answer the charge. Since the dispute ended in an agreement between the parties we have no opportunity of discovering the attitude of a jury toward the problem. A somewhat similar instance was that in which John de Ponte, accused of withholding tithes said that the reeves of Burgh (Nwto/k.) were responsible.^{3.} They in their turn declared that they were ordered to do so by John of Lovetot. It is perhaps significant that in both cases it was the auditor of the account who was held responsible. This possibly explains the immunity of the lower officials from blame: as suggested above,^{4.}

1. A.R. 542. m.1d.

2. A.R. 836. m.1d.: see above p. 99.

3. A.R. 836, m.2.

4. PP 146-147.

they seem not to have been concerned with the legitimacy of their orders, but were simply responsible for collecting or paying out sums at the auditor's direction. This distinction, if accepted, removes the appearance of contradiction from the judgment given in a case in which two subordinates pleaded^{1.} that they had acted on the orders of John de Ponte. The defence here was not acceptable, and all three were fined. The plight of tenants and others, suffering at the hands of lower officials would have been sorry indeed had it been otherwise.

(iv) Method of Account.

For the method of account we must seek outside the rolls of the commission, and here, again, we are immediately struck by the poverty of our resources. A couple of fragmentary accounts detailing sums received from the Queen's lands,^{2.} and an account of John of Berwick of payments for the Queen from Hilary 1286 to Christmas 1288^{3.} are our only other sources of information — the last, however, a very useful one. The "compotum regine" was compiled at her exchequer, and amongst Berwick's payments were sums for the construction

1. A.R. 836. m.1.

2. M.A. 1089/22, 25. (P.R.O. Minister's Accounts: List and Index V.)

3. E.101 Bundle 352/7. (P.R.O. Accounts Various: List and Index XXXV.)

of a new chequer board, and its appurtenances "pro compoto predicto" — for cloth to cover it, counters and parchment "for engrossing the said account and for writing the extents afresh"; sums to two clerks employed in writing the rolls, and for a bag in which to put the documents when the account was complete. Payments were also made ^{to messengers bearing letters} to certain of the Queen's bailiffs, telling them to render their account on the morrow of the close of Easter. Did this mean that the Queen's officials had to make a preliminary appearance at Easter, as did the sheriffs at the royal exchequer? The account itself was probably rendered at Michaelmas. In the first place, there is not only the obvious analogy of the royal exchequer, which by itself would prove little, but Michaelmas was very much the turn of the year, in husbandry as well as finance. The writer of a thirteenth century Husbandry says definitely that the stewards and bailiffs "deiuent tauntost apres la seint michel rendre sus lur roules au seyngnur ou al auditor del acunte ^{1.}" Moreover, from the account of receipts of Humphrey de Waleden and John de Crokesle ^{2.} for 1296-97 from the lands just handed back to

1. Husbandry, ed. E. Lamond, p. 62.

2. M.A. 1090/4, 5. (P.R.O. Ministers' Accounts: List & Index V.) The receipts are described on the first of these as being "a xxx die Septemb^r anno regni predicti regis Edwardi vicesimo quarto usque eundem diem mensis Septemb^r anno revoluto".

the King by the Queen's executors, it is clear that they were working from Michaelmas to Michaelmas. On the other hand John of Berwick was receiving moneys from the Queen's lands in Hilary as well as Michaelmas term 1290.^{1.} The point can hardly be decided from such extremely fragmentary evidence, but Michaelmas would possibly be the most natural time for the account to be made. We have little information as to the officials who received the money. Presumably there was an official named "receiver". For 1286-87 we have a fragmentary roll of receipts from lands headed "Rotulus de denariis receptis per Ricardum de Kancia, et Alexandrum de Hecham et Willelmum de Crostweyt depositis in Tesauro domine Regine Anglie consortis Regis apud Westmonsterium....."^{2.} In 1290 similar payments were made to John of Berwick, at that time keeper of the wardrobe.^{3.}

The writer, therefore, suggests tentatively that main outlines of the process were somewhat as follows:

When each new holding was acquired the steward would enquire what dues, rents and services were owed from that land, and this extent was enrolled by the auditor of the account (or his clerk, if he had one). The extent might be enrolled afresh, presumably with any necessary alterations,

1. M.A. 1089/25.

2. M.A. 1089/22.

3. M.A. 1089/25.

when the account for the year was made up. The bailiffs and farmers were responsible for levying the payments named in the extent as due from their district, and were responsible to the auditor for that amount. These officials were summoned from their localities, sometimes, apparently by letters, to present their account at the Queen's exchequer probably at Michaelmas and possibly at Easter as well at Westminster/. Finally the money was deposited in the Queen's treasury.

January, 1290, the inquiry into the misdeeds of the king's ministers, whose revelations were so deplorable, had been in progress for nearly a year. The guilt of one after another of the justices of King's Bench, Common Pleas and the Exchequer - besides that of a host of minor officials - was proved, to a greater or less degree, and one after another they were deprived of their offices. As Miss Johnstone has said 'This weeding of the judicial bench was dramatic and made an impression.'³ In the midst of this upheaval Edward found himself faced with the necessity of appointing a new commission to undertake a task which, though not of the greatest, was yet of considerable importance.

1. May 1286-August, 1289.

2. Proceedings before the bishop of Winchester and his colleagues had been in progress since the previous April. State Trials, p.xx.

3. ibid. p.xiii.

C. Some points of legal interest.

(1) General situation at the date of the appointment.

From the legal point of view the commission of 1291-92 is interesting in the first place on account of the date at which it was set up. The reputation of the king's legal and administrative officials had been undermined by their conduct during the three years that Edward had been in Gascony¹, and when Ivingho's commission began its work in January, 1290, the inquiry into the misdeeds of the king's ministers, whose revelations were so deplorable, had been in progress for nearly a year.² The guilt of one after another of the justices of King's Bench, Common Pleas and the Exchequer - besides that of a host of minor officials - was proved, to a greater or less degree, and one after another they were deprived of their offices. As Miss Johnstone has said 'This weeding of the judicial bench was dramatic and made an impression.'³ In the midst of this upheaval Edward found himself faced with the necessity of appointing a new commission to undertake a task which, though not of the greatest, was yet of considerable, importance.

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3. ibid. p.xiii.

The proceedings of commissioners inquiring into the misdeeds of Eleanor's officials were bound to touch the interests of the king very closely, and to take on an additional interest and importance as a part of the general demonstration that the unrighteous should not flourish for ever.

(ii) The choice of commissioners.

It would almost seem that in these circumstances Edward found difficulty in finding trustworthy justices to appoint to the task. It is possibly not without significance that of the seven persons chosen, the career of only one is clearly traceable; and that one, Ralph of Ivingho himself, proves to be an official of no great distinction. Moreover, on those other occasions when he was employed by the Crown, it was always in connection with specifically Church affairs.¹ The writer has not found any other instance of his taking part in an inquiry, a commission of oyer and terminer, gaol delivery or, indeed, any of those characteristic functions in which we find others of the king's justices engaged.² It would seem only natural that Edward should choose persons totally unconnected with Eleanor's affairs to carry out the comprehensive investigation of the personnel of commissions inquiry: but it is significant that he went right outside

1. Only in the actual letter of appointment do we find the

1. He was chancellor of St. Paul's; see above, p.64.

2. A comparison of his activities, so far as they can be traced on the Close and Patent Rolls, with those of, for example, John of Lovetot, Walter of Kent, Geoffrey de Picheford and others reveals a striking contrast.

2. Registrum Rame, i. 208b. See Appendix III.

the circle of those whom we find continually entrusted with judicial business. The point becomes even more striking when we consider the other six members of the commission. Allowing for the fact that it was the very common usage to refer to the justices of a commission by the name of one or two members only, for the sake of brevity, there is still, perhaps, something noteworthy in the unbroken regularity with which reference is made to Ivingho only, by name.¹ Although this must not be stressed too much, there is just the suggestion that the other members of the commission were perhaps almost as unknown to their own time as they are to us. Possibly Edward really felt a difficulty, in view of the revelations of the past year, in making a choice of officials upon whom he could rely. The larger inquiry was not concluded until 1293 and until such time as its investigations were completed, it followed that all were more or less suspect.

A point of some interest, too, is the inclusion among the justices of four friars - John of Warwick, Robert Peverel, John *de* Clare and John de Montacute.² This would seem to have been an extremely unusual - though without a comprehensive investigation of the personnel of commissions

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1. Only in the actual letter of appointment do we find the names of all the seven commissioners; though in the executors' accounts the names of four others appear, Ivingho's name is the only one that appears on the rolls of the commission or in references to it in Chancery enrolments.
 2. Registrum Kempe, f.208b. See Appendix III.

during the reign, one would hesitate to say unique - appointment. Was there any connection between Eleanor's¹ keen interest in, and association with, the friars and the choice of these persons to take part in the investigations after her death? Even if this were so, however, it hardly appears satisfactorily to account for their inclusion among the justices, which is certainly very curious.

A comparison between the personnel of this commission and that which was conducting the larger inquiry affords a contrast which not even the relative unimportance of the queen's affairs entirely explains. Of the seven commissioners originally appointed in October, 1289 - Robert Burnell, John of Pontoise, Henry Lacy, John de St. John, William le Latimer, William de March and William de Louth² - there was not one whose career was not to a high degree distinguished, whilst such men as Burnell and Lacy were among the closest of the king's advisers. One is almost led to conclude that in the peculiar circumstances of the time Edward was driven to choose either amongst those whose high distinction and tried loyalty it was almost impossible to doubt³ : or from

1. Edward and Eleanor and the king and queen of France had honoured the general chapter of the Franciscans at Paris with their presence in 1286. Rishanger, p.112. Eleanor's bequests to the various orders in her will have already been mentioned, p.49.

2. State Trials: Introduction, p.xxi.

3. If this were possible, when the chief justices of both the benches had proved unworthy of trust.

among those whose secluded and insignificant careers had offered few opportunities for malpractices.

(iii) Terms of the commission.

The powers of the justices are clearly stated in the king's letter patent making the appointments¹. They were assigned 'ad inquirendum per sacramentum proborum et legalium hominum de singulis comitatibus regni nostri in quibus huiusmodi senescalli, Ballivi et ministri sub ipsa regina in ballivis quibuscumque commorantes
. . de gravaminibus transgressionibus et iniuriis per ipsos quibuscumque illatis. Et ad gravamina transgressiones et iniurias predictas audiendas et terminandas secundum quod ipsius anime saluti videritis faciendum.'² Their powers, then, were wide: they were to inquire, to hear and to determine; and the matters to be dealt with were specifically any complaints that might be brought against the queen's ministers in any part of the country. In the heading to m.I of the Salisbury roll (A.R. 1014), however, the contents are described as complaints 'tangentes Reginam consortem Regis.' In some circumstances it might be permissible to draw a certain distinction between the possible meaning of this phrase and the wording of the original instructions. It is possible to argue that there might be complaints

1. See Appendix III.

2. Registrum Kempe, f.208b-209.

touching the queen which were not complaints against her ministers; and that whereas the vaguer expression 'tangentes reginam' may be said to include the more precise 'querele super ministros Alianore'¹, the reverse is not the case. The distinction, however, does not seem to have been made. A very general interpretation of the powers of the commission appears to have been allowed, and any complaint in which the queen or her ministers, as such, were directly or indirectly involved was accepted as within the purview of the court.

Once again, the implications of the matter can best be appreciated in contrast with the larger inquiry. Although the persons appointed in 1289 were of so much more exalted rank than Ivingho and his colleagues, their powers were subject to what Dr. Tout has termed a 'singular restriction.'² His discovery in Fleta of a passage clearly referring to the auditors of 1289-93 has shown that they were not given the power 'audita terminare sed regi deferre, ut per ipsum adhibiantur poenae secundum meritorum qualitates.'³ This contrasts sharply with the plenitude of power seemingly

1. A.R. 542.

2. Tout: Chapters II, p.67 (note).

3. Quoted by Tout, ibid. p.66 (note 1). The actual terms of the commission, 13 October, 1289, were: 'ad audiendum gravamina si que per ministros illata fuerint.' Foedera I, part ii, p.715; also State Trials, pp.xii-xiii and pp.xxvi-xxix.

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bestowed upon Ivingho and his colleagues, just described. For not only were they instructed in the more usual manner, to 'hear and determine' the cases brought before them, but it is definitely stated that punishment of the guilty shall be at their discretion and that they may remove the accused officials from office even before the case has been heard. In theory, at least, they could hardly have had a more completely free hand in dealing with the offenders brought before them. No doubt the issues involved in Ivingho's inquiry were considered trivial in comparison with the very serious import of the other, and this is a possible reason why the distrust which perhaps led Edward so narrowly to restrict the powers of Burnell and his colleagues did not cause him to impose a similar limitation in 1291.

(iv) Cases reserved for conclusion elsewhere.

It is clear, however, that in spite of their appointment to hear and determine the justices yet recognised a class or classes of case in which they could not or would not proceed to judgment: or in which the execution of the judgment was postponed. Although the majority of the cases at Salisbury, Bury St. Edmund's and Westminster reached
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conclusion before the commissioners and of those whose

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1. Registrum Kempe: see Appendix III.
 2. And we have therefore been spared, to a large degree, the aridity of resultless pleadings, of which the editors of the larger rolls complain.

concluding stages we do not see, many were pending on account of default of juries, failure to prosecute or some other of the everyday delays that encumbered mediaeval justice; yet there were a considerable number of cases in which the justices clearly did not consider themselves competent to give judgment. This brings forward the whole question of how far, even in the privileged circumstances of the commission, it was possible for the justices to use fully their mandate 'to determine'; and the kindred question of how these reserved cases were proceeded with.

Of a total of more than two hundred cases upon the three rolls, thirty-nine were reserved in this way, that is, nearly one fifth of the number - a very considerable proportion. The situation would appear to have been somewhat as follows. The queen being dead, her lands and the rights in them would pass into the hand of the king. Now, 'coram rege terminari debet placitum quod ipsum tangit' : it has been established that it was at all times an effective rule in the courts of law that anything touching the king's person, his properties or prerogatives was not to be treated without special consultation: the proceedings would be cut

1. 11 from Westminster, 6 from Bury St. Edmund's and 22 from Salisbury. See Appendix V.

2. Ludwik Ehrlich: Proceedings against the Crown, p.72.

1243-1282. (Selden Society). Introduction, p. xxvii. We have several instances upon our rolls in which the case is undetermined 'quia iudicarii maluerunt procedere.'

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2. For examples of the 'royal' - as distinct from ordinary procedure - see Ehrlich, op.cit., p.70 et passim.

3. A.R. 542. m.3.

(167)

short with the words Loquendum est cum rege. Sometimes for this reason the judges in a case received a writ of surcease or quite as often, they themselves refused to continue until they should have received a writ to proceed.¹ Professor Baldwin goes on to say that 'under such a check in the proceedings of the courts of law prosecutions of the king's officers were in the ordinary course impracticable. It was, then, in the nature of a concession that the king permitted his officers to be prosecuted before a special commission, such as that which heard the state trials of 1290'. Similarly, Ivingho's commission was a concession permitted by grace of the king, and pleas might be brought before it and a remedy² sought, where no redress by ordinary procedure was possible. The very hearing of such complaints at all, then, was a privilege, since of necessity almost all of the pleas might be held in some sense to be 'touching the king.' But even so, in cases very intimately and personally connected with the royal will and prerogative the special commissioners reserved them 'loquendum cum rege.'

Three examples, taken at random from the Westminster roll, may be given in illustration of this point. In the case of William de Detlyng³, who complains that he demised

1. J.F.Baldwin: Select Cases before the King's Council, 1243-1482. (Selden Society). Introduction, p.xxvii. We have several instances upon our rolls in which the case is undetermined 'quia iusticiarii noluerunt procedere.'

2. For examples of the 'remedy' - as distinct from ordinary procedure - see Ehrlich, op.cit., p.70 seq.

3. A.R. 542. m.3.

the manor of Rowley in Staffordshire to the queen in return for her promise 'quod ipsum promoveret vel aliquem de suis,' but has never received any fulfilment of the promise; the justices reply 'quod sine domino Rege nichil potest fieri.'¹ Again, the Abbot of Thorney complained that when John de Cameys enfeoffed the queen of the manor of Torpel, he did so on condition that she allow the Abbot to take certain wood growing on that land, for which he had already made payment: but the queen never allowed him to have that wood. And because the justices 'ad inquisitionem super premissis noluerunt procedere domino Rege inconsulto datus est dies predicto Abbati in adventu ipsius Domini Regis apud Westmonasterium,' (with the marginal note 'loquendum est cum Rege'). In the case of Nicholas Bordonn² who complains that the queen, through the persuasions of John le Botyller, has evicted him from his land at Didmarton in Gloucestershire, the jury says that Nicholas has suffered damage to the extent of £12, the issues of that land having devolved to the use of the queen. The case ends 'loquendum cum Rege antequam reddatur iudicium.'

It will be noticed that in each case the queen herself was very intimately involved. In the first two instances it is a matter of a promise or understanding between the queen and the plaintiff - something personal and intangible.

1. A.R. 542, m. 9.

2. ibid. m. 2d.

In the case of the Abbot of Thorney the justices back up their refusal to proceed with the remark 'precipue cum dictus Abbas nichil ostendit pro se quod domina Regina promisit ei satisfacere pro predicto bosco.' Clearly they felt this to be too delicate a problem to admit of their interference. The formula varies in each case: 'sine domino Rege nichil potest fieri'; 'iusticiarii noluerunt procedere domino Rege inconsulto ideo loquendum est cum Rege'; and 'loquendum est cum Rege antequam reddatur indicium.' A scrutiny of the words in which the refusal was made ¹ shows a great variety of forms: but it is probable that the effect in each case was similar, although we have not evidence to show the detail of the procedure. It would appear, however, that cases terminated in this way by the commissioners were concluded before the king and his council, or in consultation with the king (in which the justices might be summoned to take part ²). The case of Alesia, wife of Robert Follet ³, is described as having been heard 'coram consilio domini regis'; whilst in the case of Alexander de Prato of Cawston and others ⁴, a day is given to them at Westminster 'quia iusticiarii

1. See Appendix V.

2. See Baldwin, loc.cit. p.xxvii. cf. a case at Westminster in which the plaintiff, John de Hardynton, asks that his case may be explained to the king by the justices. A.R. 1014, m.4. Also A.R. 1014, m.5d and m.6.

3. A.R. 1014, m.9.

4. A.R. 836, m.4.

✱ A D D E N D U M

On some occasions, apparently, cases were referred by the justices to the king, and after consultation with him, were again proceeded with by the commissioners, in accordance with his instructions. In the case of Cecilia Ayllard, for instance (A.R.542,m.9d), the formula runs: 'Postea apud Westmonasterium in crastino sancti Johannis Baptiste, predicta querela prius coram domino Rege recitata, consideratum est per Iusticiariosetc.' See also A.R.542,m.5. (William de Seos); A.R.836,m.3 (Edmund de Hemegrave); A.R. 1014, m.5d (Roger de Bokland), etc.

voluerunt deliberare super premissis et consulere
consilium Domini Regis.' *X*

It would appear, then, that when these cases are described as being heard 'coram rege', it is ^{to} the king in person and sometimes in conjunction with his council that reference is made, and not to the justices of King's Bench. This suggestion is borne out by several instances. In the case of Cecilia Ayllard ¹, the justices did not wish to proceed 'rege inconsulto', and therefore they 'awaited the arrival of the king', when the plea is described as being heard 'coram rege.' Again, in the case of Roger Bygod, ² earl of Norfolk, described as heard 'coram rege', it was agreed 'by the king and his council that there be an inquiry.' If this be the general rule, it would provide an explanation of the fact that although the writer has made search in the 'coram rege' rolls for the relevant terms at Westminster ³, she has been unable to trace the final stages of any one case. Moreover, upon the three assize rolls, with which we are dealing, there is no instance of a 'postea' containing the names of the justices of the King's Bench at Westminster, which would almost certainly have been included had the cases been heard before them. On the other hand, several

1. A.R. 542, m.9d.

2. A.R. 836, m.6.

3. K.B 27/126,127,130,131,134. (P.R.O. List and Index IV).

petitions to the council arising from pleas that appear on our rolls are traceable. The petition of William de Detlyng is the only one that appears to have survived in the original.¹ But upon the 'coram rege' roll for Hilary Term, 1292, the case of Richard de Ispannia appears with the marginal description 'Peticio de consilio!!' while² the plea of Richard de Burely finds its continuation in a³ petition brought in 8 Edward II by his heir, William - twenty-five years afterwards. Occasionally the commissioners told a plaintiff that 'nichil potest fieri nisi per viam supplicationis domino Regi.'⁴ In the case of the Abbess of⁵ Littlemore, where it was found that the queen's bailiffs had only continued a practice begun by others before their time, the justices decided, apparently, that the plea did not lie within their cognisance, and the judgment was 'fiat supplicationem Domino Regi.'

In some instances where judgment was given for the plaintiffs it could not be put into execution without consultation with the king. The tenants of the king at

1. Ancient Petitions, File 1/1. (P.R.O. List and Index I). cp. A.R. 542, m.3.

2. K.B 27/130, m.40; cp. A.R. 542, m.1d.

3. Or Burle, Rot.Parl. I, p.313; cp. A.R. 1014, m.5d.

4. e.g. Abbot of Cerne; A.R. 1014, m.1.

5. A.R. 836, m.5.

¹
Swainston, for instance, gained their case on various pleas but 'de omnibus istis Iudiciis predictis loquendum est cum Rege antequam habeant executionem.' Similarly² in the case of Alice, wife of John of Grinstead, execution of the judgment was put in respite until the king were consulted. Sometimes where favourable judgment was given, the plaintiffs were told that as to damages 'loquendum est cum Rege.'³ An interesting example is that of the Abbot of Cerne, who was told that with regard to his damages he must 'prosecute at London.'⁴

The position, then, as revealed by the records of Ivingho's inquiry, seems to have been that where the plea intimately and personally concerned Eleanor, or where judgment might involve the withdrawal from Edward of rights which were now in his hands, the matter was referred to the king or the king and council, with whom the justices themselves were possibly sometimes in consultation.⁵ On several occasions the computation of damages was postponed until consultation was made with the king, and sometimes

1. A.R. 1014, m.11.

2. ibid. m.8d.

3. e.g. A.R. 1014, m.7, m.7d., m.8, etc.

4. ibid. m.8.

5. An interesting but enigmatic phrase is used in the case of John of Horstede (A.R.542, m.11) whose plea comes before 'the commissioners of the queen in the court of the king at Westminster.'

the execution of judgments was similarly postponed. It is unfortunate that few of these cases can be traced through their concluding stages; but record of cases heard before the council survives only by chance.¹ Year books, the Parliament Rolls and such memoranda as might occur upon the 'coram rege' rolls have alike failed in the present instance to supply further details of the cases under discussion. As a collection, however, these illustrations of the action of king and council in conjunction with a specially privileged commission are of the greatest interest.²

1. Baldwin: Select Cases, Introduction, p.xi. 'The council was distinctly not a court of record; it kept no regular roll; it maintained no system of collecting or preserving its records. Written for an immediate purpose, the memoranda of its cases were scattered or lost'
2. The writer is indebted to Dr. Tyson of the John Rylands Library, Manchester, for the information that the justices of King's Bench themselves would on occasion find it necessary to consult the king on points which closely affected him. He gives as examples the account on the 'coram rege' roll of an important dispute between the king and the widowed countess of Gloucester, where it is recorded that 'postea recitata fuit ista loquela coram domino Rege et consilio suo', and again 'postea recitata fuit ista loquela coram domino Rege et consilio suo ipso domino Rege sedente pro tribunali apud Westmonasterium.' (K.B.27/177, mm.3,17); and a suit relating to the lands of William Longsword, now in the hands of the queen, which raised difficult points so that 'dies datus est in crastino natalis Domini et interim Dominus Rex habeat colloquium et tractatum super hoc cum consilio suo.' (K.B.27/186,m.18)

1. Rot. Parl., i. p. 392 : see also Hollin. op.cit., p. 305.

2. See for the original version in the Hauboye dispute; see W. G. R. G. G. G.

(v) Petitions to the executors.

The interesting question of claims raised against a queen's executors on account of acquittances or remission of services or rents, made by the queen during her lifetime for herself and her assignees, is illustrated by a petition of 8 Edward II¹. A petition was brought by the heirs of Bartholomew de Redham², saying that he held the manor of Scothoe from the abbey of St. Benedict in Norfolk at a certain rent, and leased that manor to Queen Eleanor, mother of the present king, at a term of nineteen years. Eleanor, by her deed of hand, bound herself and her assignees to acquit Bartholomew and his heirs of those services during that term: but since, during her lifetime, she had never paid her dues in full, the Abbot was now making distraint upon the heirs of Bartholomew for £110 of arrears - 'Por quoi les avantdiz heirs prient grace et remedie.' To this the council replied that the complainants must come to the Chancery and get there a writ to the queen's executors; and they must send their petition together with the writ to the executors, who, having informed themselves as to the contents of the petition, were to come to the Chancery where the whole business was to be examined. If it were found

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1. Rot.Parl. I, p. 312 : see also Ehrlich, op.cit., p.209.
 2. One of the original parties in the Hautboys dispute; see p. 176-177 below.

that the queen were bound in the matter, then it was to be referred to the king, who would see that justice were done. The case is an illuminating example of the way in which claims might drag on even into the next reign.¹

Moreover, it would appear to be a somewhat similar instance to one that appears on our rolls. Johanna, wife of Simon² de Lindone, declared that when the queen assigned the manor of Lindone to her in dower she ordered John of Berwick and Roger of Walecote to repair the manor house, which had fallen into disrepair while the manor had been in her hands - without delay and at her expense. But this command had never been carried out. The justices replied that 'quo ad querelam de emendacione domorum fiat supplicationem executor^{ibus} prefati Regine.' In another³ instance, where the Abbot and convent of Cerne declare that the queen has not fulfilled her promise to compensate them for enfeoffing her of the port of Melcombe, the justices in the first place reply that 'quia videbatur quod ista peticio dependet de mera gracia Domini Regis et coexecutorum suorum, ideo consideratum est eis quod sequantur

1. The date of this entry is rather suspicious. The petition was to be sent to the executors, who were to make inquiry into the matter. Yet Burnell, Berwick and Lacy were long since dead, and the final acquittance of Berwick's executors for the residue of Eleanor's executors' account had been made already nearly three years ago.

2. A.R. 542, m.9.

3. A.R. 542, m.7d.

erga dominum Regem et coexecutores'. The Abbot, however, produced a letter from the queen in which the alleged promise was contained, and then the justices replied that petition must be made to the king. There is an interesting distinction to be drawn between the two pleas. In the first, the queen's command was given and presumably it was her officials who had failed in the execution of that command: and in this instance, where the queen's intention was clear, the plaintiff was to make supplication direct to the executors. In the second case, where the queen's promise was undoubtedly given but equally undoubtedly broken by herself, the plaintiff must approach the king in what appears to have been the usual manner for a plea of that kind. The suggestion is that here a working distinction may have been drawn between the two types of case.

(vi) The legal position of the queen's tenants and others having grievances against her or her ministers.

Dr. Ehrlich has said that 'it is certain that at least in the period 1272-1377 the queen could not be sued by writ',¹ and quotes as an example the case of Robert Baynard, who was turned out of his land at Great Hautboys by two men, one of whom was Eleanor's bailiff, acting in the queen's name. Baynard attempted to get redress by an assize of

1. Proceedings against the Crown, Appendix A III, p.206.

novel disseisin, but failed because the land was now in the queen's hands. Various special commissions set up by the king, with the queen's consent, to deal with the matter, failed to bring it to a conclusion, and it was not until 1301 - when hope must have been dead - that the holdings were restored to Robert's heirs.¹ It appears, however, that petitions against her officials might be brought before the queen's council or the king's council, and in the latter case 'the usual answer is, that the officials or the whole council of the queen, should be called before the council of the king.'² We have no example of this latter form of procedure, though there are one or two references to the queen's council on the rolls of the commission;³ and John of Newburgh's petition to the king and council in 1290, in which he sought the restoration of a third part of the manor of Winfrith Newburgh, from which he had been evicted by the bailiffs of the queen,⁴ is a solitary surviving example of such petition during the queen's lifetime. In this case an inquiry was ordered to be made, and the case terminated before Gilbert de Thornton and the other justices 'coram rege.'

1. Proceedings against the Crown, p.57; cf. A.R. 542, m.11.d.

2. ibid. p.206.

3. e.g. Robert de Manteby was sent before the queen's council by John de Ponte; A.R. 836, m.1.d.

4. Rot.Parl. I, p.21; see also A.R. 1014, m.5.

The whole point, however, is made abundantly clear by the proceedings before the commissioners of 1291-92. The inquiry seems to show conclusively that if it were impossible for action to be brought by ordinary procedure against the king's ministers, it was equally the case with the queen's ministers. Complaints heard before the commissioners went back to origins five, ten or even twenty years ago¹, and it would seem that had any redress by ordinary methods been possible, the plaintiffs would never have waited until the setting up of a court of special privilege to seek their rights.

It would seem, then, that the commission was doing a very necessary work in the redress of grievances which could not otherwise be righted: that it was not always able to exercise its power to determine the pleas brought before it, but worked in close connection with the king and council in those cases which most nearly and personally affected Edward's interests and prerogatives. That its work was encumbered - as was all mediaeval justice - by monstrous delays through default of juries², because the parties failed to put in an appearance on the appointed day, or because the plea was sidetracked by the production of some ingenious 'exceptio', is clear. But to detail and illustrate these

1. e.g. A.R. 1014, m.7; the grievance in this case had been continued for 12 years; m.7d, Richard de Trowe, offence dates back to 1271.

2. Either as to numbers or the 'substance' of their members.

well-known incidents of the thirteenth century courts
would^{be}/inevitably a long process, and one that is irrelevant
to our main theme. It is therefore proposed to pass over
this aspect of the proceedings, with the remark that no
membrane of the rolls can be read without encountering one
or other (and only too often, many varieties) of such
obstacles to speedy justice.

In the foregoing sections an attempt has been made
to present a general view of the judicial commission of
1291-92, the circumstances in which it was set up, the
main types of offence with which it was concerned and the
state of affairs which the pleadings before it disclosed.
Further, the writer has endeavoured to collect together
evidences of the outlines of Eleanor's local administrative
organisation, and to discover the means whereby those of
her tenants who fell foul of that organisation in any way,
could get redress of their grievances. It now remains
to formulate any general conclusions that may be possible
upon the results of our investigation and to inquire
how far it may be necessary, in the light of the facts here
gathered together, to modify our view of a character upon
whose virtues tradition has been so emphatic, and history
so silent.

The first question to be dealt with is: what, in fact,
were the results of the inquiry? The difficulty of obtaining

P A R T V

CONCLUSION

In the foregoing sections an attempt has been made to present a general view of the judicial commission of 1291-92; the circumstances in which it was set up, the main types of offence with which it was concerned and the state of affairs which the pleadings before it disclosed. Further, the writer has endeavoured to collect together evidences of the outlines of Eleanor's local administrative organisation, and to discover the means whereby those of her tenants who fell foul of that organisation in any way, could get redress of their grievances. It now remains to formulate any general conclusions that may be possible upon the results of our investigation and to inquire how far it may be necessary, in the light of the facts here gathered together, to modify our view of a character upon whose virtues tradition has been so emphatic, and history so silent.

The first question to be dealt with is: what, in fact, were the results of the inquiry? The difficulty of obtaining

from records such as these a reasonably sound statistical basis upon which to build a discussion of the results has been stressed by the editors of the Royal Historical Society's volume on the commission of 1290-93, where in similar circumstances they are faced by a similar dilemma.¹ The choice lies between two alternatives: the basing of conclusions upon an analysis of the results of the cases, or upon an analysis of the accusations without reference to their results. The first method must be unsatisfactory, in view of the large number of cases whose final stages were not reached in the commissioners' courts, and whose results elsewhere are generally untraceable; the many whose endings, though entered upon the rolls, are obliterated or mutilated beyond the possibility of deciphering them; and those in which the proceedings are left unfinished or are decided finally upon some technicality irrelevant to the main question. In choosing the latter alternative in preference to this, Miss Johnstone remarks that 'an analysis of accusations approximates to the truth more closely than an analysis of the results. There is no smoke without a fire; and the nature, if not the number, of the offences may be fairly accurately discerned.'² This method has

1. State Trials, Introduction, pp.xxxv-xxxvii.

2. ibid.p.xxxvii.

been followed in Part III above, as being the less open to objection, though it postulates a higher standard of veracity on the part of the plaintiffs than was evidently the case. A classification of the complaints has shown that the alleged offences were chiefly disseisin of various kinds, eviction, extortionate demands, violent methods and the malversation of the processes of justice. These were the accusations. Yet it is impossible to escape here without attempting an answer to the kindred question: how far were the accusations proved? The writer believes that something approaching an accurate estimate may be arrived at by taking a middle way between the two alternatives and combining an analysis of the results of the pleas where these are known, with the impression created by the charges as such.

Having regard, then, to the difficulties of achieving anything like numerical accuracy, it is perhaps better not to insist too much upon numbers. But speaking with a full sense of the hazards involved, it would seem safe to say that in those cases whose results we know, the honours were fairly evenly divided, rather more being dismissed as false claims than were admitted as proved. It may here be noted that a total sum of £998.4s.8d. in 'emende' adjudged by the commissioners to complainants, was paid by the

1
executors. These facts, together with the impression created by the charges, seem a sufficient ground for asserting that there was oppression, injustice and extortion upon the queen's lands and to a considerable degree. But in attempting to gauge its seriousness we must bear in mind that the inquiry was the opportunity to bring complaints against one who held land at different times in more than half the counties of England, for wrongs committed at any time within a period of thirty-six years. In the circumstances the whole bulk of evidence is surprising in its moderation.

One of the points that stands out most obviously is the opportunities enjoyed by officials upon the queen's estates for long-continued oppressions. Again and again it can be seen that the original grievance in itself was trivial enough, but continued for many years, without hope of ultimate redress for the wronged parties, it assumed a different and much more serious character. The immunity of the queen's officials from attack by the ordinary processes of the law meant that they might experience to a considerable degree the joys of irresponsible wrong-doing. Petition to the council of the queen, or to the king, would appear to have been at best a slow and uncertain road to a redress of grievances: had it been otherwise it would appear unlikely

1. See Appendix VI.

that so many sound cases, which secured the support of a jury for their every detail when presented before the commissioners, would have awaited justice for so long. This very position of theirs in regard to the law was really in itself the grievance - though it would hardly then have been accounted as such. It meant that a small initial grievance might by the mere passage of time become a serious oppression: and it is obvious that the administration of such wide estates could hardly have been carried on without occasional lapses from official virtue.

This leads to the question: how far were such 'lapses' upon Eleanor's estates beyond the normal? How far do the proceedings of 1291-92 constitute a really serious indictment of the men and their methods? A satisfactory reply to these questions could only be reached by means of a comparison¹ with a similar inquiry in similar circumstances, or with the state of affairs to be found on the lands of some other great landowner. Such a comparison is necessarily hard to come by. As far as the writer is aware, no exactly similar inquiry was ever carried out into the affairs of a queen-consort. We are obliged, therefore, to judge the matter simply on its merits. In the first place, it has already

1. An inquiry into the misdeeds of the stewards and bailiffs of Eleanor of Provence, set up on 20 July, 1290 (C.P.R. 1281-92, p.405), would perhaps have given much illumination had it been possible to trace its records. The appointment in itself, however, points to the fact that the officials of Eleanor of Castile were not alone in their wickedness.

been noted that the indictment is serious only in the case of a very few officials. As far as our records are concerned, it must be conceded that the great mass of Eleanor's officials do not stand condemned. By far the greater number of them are charged only with solitary offences. Little can be found to say, however, in extenuation of the persistent offenders. Persons such as Walter of Kent and John de Ponte - and especially the former - leave one with a definitely unpleasant impression of grasping, unscrupulous and sometimes violent methods. The infinite complexity of land-holding and the law regarding it meant that real difficulties might arise in an attempt to ascertain to whom land or rights in it or revenues from it really belonged. In the midst of this uncertainty fraudulent dealings flourished and justice was difficult, even when, as in this instance, an opportunity for redress was freely given.

Moreover, the methods of mediaeval justice, even when, as in this case, they were essentially equitable in their intent, nevertheless, by their insistence upon the details of procedure, were frequently inequitable in their effect, allowing the offender to evade the main issue - for the time being, at least - by the production of technical quibbles. Several examples upon the rolls leave one with a doubt whether justice would eventually be done.

Finally, we have to consider whether we are obliged to attempt a revision of the traditional view of the queen herself. It is clear that she was not always served in the wisest manner by over-zealous servants, who sometimes showed an unfortunate tendency to annex in the queen's name (though sometimes for their own use) lands and goods that did not belong to her. Yet it must be remembered that pressing financial needs of a real urgency,¹ and not necessarily personal avarice, may well be the explanation of some, at least, of those instances in which Eleanor's officials were grasping and precipitate in exacting the queen's rights. If on the one hand, however, it is admitted that the actions of her ministers were possibly under pressure of urgent need, and must not, in any case, be identified with the intentions of the queen, it must be admitted, on the other, that she appears frequently to have condoned their acts, turned a deaf ear to complaints and often to have enjoyed the fruits of their not always too scrupulously honest labours. The note of personal reproach was sometimes sounded in the commissioners' courts and there were frequent instances of a too readily given promise of preferment, help or compensation being too readily neglected when the queen's own ends had been attained.

1. *Opus Chronicorum* (with Frokelows, etc.) R.S. p. 26.
1. *Tout*, *Chapters V*, pp. 281-284.

How far does this tally with the picture of positive virtues drawn for us by Rishanger?¹ - 'Fuerat nempe mulier pia, modesta, misericors, Anglicorum amatrix omnium et velut columna regni totius. Cujus temporibus aligenae Angliam non gravabant incolae nullatenus per regales opprimebantur si ad aures ejus vel minima querela oppressionis aliququaliter pervenisset. Tristes ubique, prout dignitas sua permittebat consolebatur et discordes ad concordiam quantum potuit reducebat;' or by the writer of the Opus Chronicorum, who speaks of Edward's bride² as 'ex nobili genere editam, quae omnes mulieres illius temporis in sapientia et prudentia et pulchritudine superabat; dicerem, enim, nisi adulatio videretur, non inparem fuisse Sibyllae sapientissimae.'

The truth is that tradition has led us to expect a saint - and we are perhaps unduly disappointed when we discover her only to have been a woman. The real Eleanor probably stands half-way between Pecham's indictment of her, and the chroniclers' eulogies, and it is much to be doubted whether she was, in fact, worse, or better, than others of her time.

1. Rishanger, Chronica, R.S. p.121.

2. Opus Chronicorum (with Trokelowe, etc.) R.S. p.26.

1. Taken from Rishanger: see p.187 above.

2. P.R.O. List and Index (187) A.S. 739.740.804.805, 806.

N O T E

References to the queen in the records of the
Eyre in Shropshire, 20 Ed.I and Staffordshire, 21 Ed.I.

In the introduction to his volume Select Pleas in Eyre (Selden Society, vol.XXX), p.lviii, W. C. Bolland has drawn attention to the fact that 'many of the complainants in the Shropshire and Staffordshire Eyres pray for remedy for the Queen's soul's sake. Eleanor of Castile was but lately dead; and if there be any truth in Thomas Walsingham's eulogium of her¹, little wonder that her memory was often invoked by suppliants for right and justice.' The revelations of the inquiry of 1291-92 are sufficient answer to Bolland's implied query, and lend a certain irony to the remark. It is, however, interesting to notice that in both cases² the pleas were heard before John of Berwick. The writer is not at present able to say whether there is any importance to be attached to this coincidence. Possibly the plaintiffs, remembering Berwick's very close connection with the queen and her affairs, felt that some pious reference to her memory might be a propitiatory act. If it is nothing more than this, the fact is interesting.

1. Taken from Rishanger: see p.187 above.

2. P.R.O. List and Index IV. A.R. 739,740,804,805,806.

Possibly, however, a close investigation might reveal a more important connection.

2.

1. York assigned to Richard by letters patent, 22 Feb. 1274.

West Yorkshire - The castle and town of the Peak.

North Yorkshire - Grantham; Stamford.

Yorkshire - Tickhill, castle and town.

2. Dower assigned by charter, 22 October, 1275.

Staffordshire

Bedford; town of

Essex

Eastwood a

Nayland

Rayleigh m

Rochford; hundred a

Buckinghamshire

Aylesbury; farm of

Drill; manor and forest

Wycombe; farm of

Gloucestershire

Bristol; castle and town

Cambridgeshire

Baham a

Hampshire

Ositham; castle and town

Derbyshire

Ashbourne; hundred

Walsley; castle and

town

Derby; town of

Marston; castle and

town

The Peak; with castle

and forest

Wirksworth; hundred

Huntingdonshire

Brington; farm of

St. Ives; rent of the fair

of

Leicestershire

Cozeby; farm of the hundred

Quinton

of

Essex

Wynwith Newburgh a

Lincolnshire

Calster; coke of

Grimsby; town

Lincoln; city

APPENDIX I

LANDS

A.

1. Dower assigned to Eleanor by letters patent, 20 July, 1254.

Derbyshire - The castle and town of the Peak.

Lincolnshire - Grantham; Stamford.

Yorkshire - Tickhill, castle and town.

2. Dower assigned by charter, 22 October, 1275.

Bedfordshire

Bedford; town of

Essex

Eastwood ■

Nayland

Rayleigh ■

RocheFord; hundred ■

Buckinghamshire

Aylesbury; farm of

Brill; manor and forest

Wycombe; farm of

Gloucestershire

Bristol; castle and town

Cambridgeshire

Saham ■

Hampshire

Odiham; castle and town

Derbyshire

Ashbourne; hundred

Bolsover; castle and town

Derby; town of

Horston; castle and town

The Peak; with castle and forest

Wirkesworth; hundred

Huntingdonshire

Brampton; farm of

St. Ives; rent of the fair of

Leicestershire

Goscote; farm of the hundred of

Lincolnshire

Caistor; soke of

Grimsby; town

Lincoln; city

Dorset

Wynfrith Newburgh ■

Norfolk

Ormsby; farm of

Northamptonshire

Apthorpe

Rockingham; castle
and forest

Northumberland

Corbridge; farm of

Nottinghamshire

Clipston

Mansfield; with its
soke

Whately; manor of ■

Oxfordshire

Wootton; with the
hundred

Somerset

Axbridge; farm of

Cannington

Cheddar; farm of

Congresbury; farm of

Suffolk

Dunwich; farm of

Combes; farm of

Ipswich; farm of

Nayland ■

Orford; castle and town

Surrey

Banstead; manor of

Warwickshire

Cumpton

Kinton; farm of

Wiltshire

Bedwin; farm of

Wexcombe; farm of

Yorkshire

Bardsey; farm of

Colingham; farm of

1.

3. Further assignment of dower in Gascony, by charter,
1 November, 1275.

Meilhan (Lot et Garonne)

Labouheyre (Mont de Marsan, Landes) with the castles,
towns and forests there together with the custom of
Bordeaux up to the amount of £2,000. ²

4. Completion of dower, by letters patent, 10 June, 1280.

Blanquefort, Castelnau, L'isle Macau.

-
1. C.Chart.R.II. 1257-1300, pp.192-193. Lands marked ■ 'quit
claimed to the king by John de Burgo'. C.P.R.1272-81, p.41.
Camel, Kingsbury and Cawston, however, were not granted to
her until 1278. ibid. p.265.
2. C.Chart.R.II, p.193. (xxvi)

B. Additional lands granted for life.

<u>Derbyshire</u>		<u>Norfolk</u>	
Bakewell	)	Aylsham	1270
Haddon	)	Cawston	1278
Codnor	) 1265		
Chesterfield)		
<u>Hampshire</u>		<u>Northamptonshire</u>	
Lyndhurst	1270	Thorp)
New Forest	1266	Spelho	) 1270
Ringwood	1266		
<u>Kent</u>		<u>Oxfordshire</u>	
Littlefield	)	Haverberge	1270
Washlingstone	) 1285		
<u>Leicestershire</u>		<u>Somerset</u>	
Boudon	)	Somerton)
Gartree	) 1270	Pitney	) 1266
		Wearne)
		Camel)
		Kingsbury	) 1278
<u>Ireland:</u>		Lands of Christiana de Marisco	
1284			
<u>Wales:</u>		Bankerbury, Kenthrif	
1283			

Stewards of the New Forest

Hugh of Disneveston (Dannington ?)

John son of Thomas

Simon of Winchester

Bailiffs

William of Barton

Adam Basset

William Bekke

Robert Belafynch

John del Boys

John of Eudesthorn

A P P E N D I X II.

PRINCIPAL MANORIAL OFFICIALS OF THE QUEEN.

Stewards

Hugh of Cressingham

Richard Doyns

Walter of Kent

Geoffrey de Picheford

John de Ponte

William of St. Clare

John of Weston

Joan de Sackville

Walter of Kent

Stewards of the New Forest

Hugh of Dingneveton (Dennington ?)

John son of Thomas

Simon of Winchester

William de la Har

Walter Marshall

Bailiffs

William of Barton

Adam Basset

William Bekke

Robert Bolefynch

John del Boys

John of Budesthorn

Auditor of the Account

John of Lovetot

Robert de Walecote

Mathew de Waleden

Robert of Waltham

John of Winchester

John of Woodrow.

Sub-bailiffs.

David

Robert de la Greynne

Godfrey Leggy

William de la Har

John de Metton

William de Willeby

Bailiffs (contd.)

Robert de Bures

Walter Buskyn (or Bukskyn)

Walter de Chidecroft

William de Chidecroft

Richard Cole

Robert de Cretingham

Richard of Eye

John the Forester

John de Foyle

John of Grinstead

John de Hardeby

Richard de la Ho

John de Hastede

Walter of Kent

Hugh de Lyministre (Leominster ?)

Thomas of Macclesfield

William de Malegrasse

William de la Mar

Walter Marshall

John Moriz

Nicholas

Robert de Petra

John de Ponte
Geoffrey de Picheford

John of Rayleigh

Simon de Ryston

Robert de la Stane

William Stedman

John son of Thomas

William of Thorp

Roger de Walecote

Humphrey de Waleden

Moses of Waltham

Simon of Winchester

John of Woodrow.

Sub-bailiffs.

David

Robert de la Greyne

Godfrey Leggy

William de la Mar

Luke de Metton

William de Willeby

The names of the following officials, attached to Eleanor's central administration, may be given here:

Keepers of the Wardrobe

Geoffrey of Aspale, 1280-87

John of Berwick, 1287-90

Controller of the Wardrobe

Richard de Bures

1

Receivers (?)

Alexander de Hecham, 1285-87

Richard of Kent, 1285-87

William de Crostweyt, 1286-87

John of Berwick, 1289-90

Keeper of the Queen's gold

Walter of Kent, 1276-?

John of Berwick, 1285-?

1. These persons certainly received moneys for the queen at the dates mentioned and may perhaps be given this title.

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A P P E N D I X III.

(Registrum Kempe olim ad Abbathiam sancti Edmundi in agro suffolciensi pertinens.) B.M. Harl. 645. f.208b.

Littera Regia auditoribus in eadem nominatis directa ad inquirendum per totam Angliam de transgressionibus factis diversis hominibus per ballivos maneriorum domine Regine et emanaverunt anno regni sui XIX .

Edwardus dei gratia etc: dilectis et fidelibus suis Radulpho de Ivynghe, Henrico Huse et Rogero Burd et fratribus Johanni de Warewik, Roberto Peverel, Johanni de Clare et Johanni de Monte Acuto salutem. Quia celebris memorie Alianora Regina Anglie consors nostra in sua ultima voluntate specialiter nos rogavit ut gravamina per ipsam et senescallos, Ballivos ac ministros suos quoscumque per potenciam vel alio modo ipsius Regine nomine quibuscumque illata corrigi modo debito faceremus, et competentes emendas cuilibet conqueri volenti secundum quantitatem delicti sui prout ipsius Regine anime saluti fore viderimus faciendum. Nos ipsius precibus favorabiliter annuentes assignavimus vos iusticiarios nostros ad inquirendum per sacramentum proborum et legalium hominum de singulis comitatibus regni nostri in quibus huiusmodi senescalli,

(xxxii)

Ballivi et ministri sub ipsa Regina in ballivis quibuscumque commorantes per quos rei veritas melius scire poterit de gravaminibus transgressionibus et iniuriis per ipsos quibuscumque illatis qui inde se conqueri voluerint coram vobis. Et ad gravamina transgressiones et iniurias predictas audiendas et terminandas secundum quod ipsius anime saluti videritis faciendum. Et ideo vobis mandamus quod ad certos dies et loca que ad hoc provideritis conveniatis et de predictis gravaminibus transgressionibus et iniuriis huiusmodi diligenter inquisitiones faciatis et gravamina transgressiones et iniurias audiat et terminet in forma predicta salvis nobis amerciamentis et aliis ad nos inde pertinentibus et ut vobis liquidius constet qualiter in premissis procedere debeatis volumus et vobis damus tenore presentium potestatem huiusmodi Ballivos et ministros in locis ad que vos occasione predicta declinare contigerit inventos a Ballivis suis amovendi antequam huiusmodi transgressiones et querelas audiat et postmodum. Et primomodu^(?) querele conquerentium et ballivorum suorum annotorum responsiones exactissime audiantur et per inquisitiones legitimas inquirentur. Ita etiam quod huiusmodi ballivi et ministri quos sic delinquentes coram vobis invenire contigerit iuxta eorum demerita puniantur et a Ballivis suis amoveantur in futurum. Ita insuper quod

ballivi et ministri qui de huiusmodi querele legitime
se acquietaverint coram vobis vestris discretionibus
commitantur. Mandamus enim singulis vicecomitibus nostris
comitatum ad quos dicta de causa accedere vos contigat
quod in Ballivas suas tam infra libertates quam extra
sine dilatione pupplice et sollempniter proclamari faciant
quod omnes de senescallis Ballivis et ministris suis pre-
dictis conqueri se volentes et eciam predictos senescallos
Ballivos et ministros ad certos dies et loca quos eis
facietis venire facietis coram vobis facturos et recepturos
cum de querelis et transgressionibus coram vobis in hac
parte proponendis ad plenum constiterit quod iusticia
suadebit in forma predicta et quod coram vobis ad
mandatum vestrum venire faciant tam milites quam alios
probos et legales homines de Ballivis suis pertinentibus
inde suspectos per quos rei veritas in premissis melius
scire poterit et inquire. In cuius rei testimonium has
litteras fieri fecimus patentes Teste me ipso apud

Asserig

VI to die Ianuarii anno r. nunc. decimonono.

A P P E N D I X I V ---

LIST OF DATED MEMBRANES.

A.R. 1014

m.1	Salisbury	Quindene of St. Hilary,	27 Jan. 1291
2	Salisbury	Quindene of St. Hilary	27 Jan. 1291
2d.	Westminster	Morrow of the Ascension	1 June, 1291
3	Salisbury	Quindene of St. Hilary	27 Jan. 1291
4-11	Salisbury	all bear the same date	27 Jan. 1291

A.R. 836

m.1-6d.	Bury St. Edmund's	Morrow of the close of Easter, 19 Ed.I	30 May, 1291
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A.R. 542

m.1	Westminster	Wednesday after the feast of St. Valentine and three weeks and the month of the Purification and other days following 19 Ed.I	21 Feb. 1291 23 Feb. 1291 2 Mar. 1291
2,2d.	Westminster	The morrow of the Ascension, 19 Ed.I	1 June, 1291

A.R. 542
(contd.)

m.3,3d.	Westminster	Monday after the feast of St.Gregory	19 Mar. 1291
4,4d.	Westminster	The morrow of the Ascension	1 June, 1291
5-6d.	Westminster	Octave of St.Michael 19 Ed.I	6 Oct. 1291
7-8d.	Salisbury	Quindene of St. Hilary, 19 Ed.I	27 Jan. 1291
9	Westminster	Quindene of St. Michael, 19 Ed.I	13 Oct. 1291
10	Westminster	Quindene of Easter, 20 Ed. I	19 Apl. 1292
11	Westminster	Octave of St.Hilary, 20 Ed.I	20 Jan.1292
12	Westminster	Quindene of St. Hilary	27 Jan. 1292
13	Westminster	Quindene of Purification B.V.M. 20 Ed.I	16 Jan. 1292
13d.	Westminster	Morrow of mid-Lent	12 Mar. 1292 (?)

m.7d. Abbot and convent of Cerne

Postea dicitur est predicto Abbati quod nichil potest fieri de predicta querela nisi per vias supplicationis domini Regi facienda.

m.9. Johanna, wife of Bishop of Lindene

...que ad... querelas de emendacione Doceorum fuit supplicationes executoribus prefate Regine.

(xxxvi)

(xxxv)

A P P E N D I X V.

CASES REFERRED OUT OF THE COMMISSIONERS' COURTS

A.R. 542 Plaintiff

- | | | |
|-------|---------------------------------------|--|
| m.1 | Matilda Moriz | Justiciarii ad iudicium super premissis Rege inconsulto noluerunt procedere. Ideo dictum est predictae Matilde quod expectet iudicium quousque fuit super hoc cum domino Rege consultum. |
| m.2d. | Nicholas Bordonn | Loquendum cum Rege antequam reddatur iudicium. |
| m.3. | William de Detlyngge | sine domino Rege nichil potest fieri. |
| m.5. | William de Seos | Postea in quindena sancti Hillarii apud Westmonasterium predicta querela (coram) domino Rege recitata (est). |
| m.6d. | Philip le Lou and Margaret his wife | Loquendum cum Rege. |
| m.7d. | Abbot and Convent of Cerne | Postea dictum est predicto Abbati quod nichil potest fieri de predicta querela nisi per viam supplicationis domino Regi faciente. |
| m.9. | Johanna, wife of Simon of Lindone |quod ad.....querelam de emendacione Domorum fiat supplicationem executoribus prefate Regine. |
| m.5. | Theobald de Belles and Bybil his wife | Loquendum est cum Rege. |
| m.6. | Roger Hygde, gentl of Norfolk. | (xxxvi) |

A.R. 542 Plaintiff

m.9. Abbot of Thorney

....et quia Justiciarii ad inquisitionem super premissis noluerunt procedere domino rege inconsulto datus est diesin adventu ipsius Domini Regis apud Westmonasterium.Loquendum est cum Rege.

m.9d. Cecilia Ayllard

Postea apud Westmonasterium in crastino sancti Johannis Baptiste predicta querela prius coram domino Rege recitata, consideratum est per Iusticiarios.etc.

m.10d. Prior and Convent of Leeds

Justiciarii nolunt super premissis procedere domino Rege inconsulto....

m.12. John of Horstede

(venit) coram auditoribus Regine in curia Regis apud Westmonasterium.....

A.R. 836

m.2d. Tenants of the queen at Aylesham

Loquendum est inde cum domino Rege.

m.3. Edmund de Hemegrave

Postea, predicta querela coram domino Rege recitata..... (finally heard by the auditors in the presence of the executors).

m.4. Alexander de Prato of Cawston

Et quia Justiciarii volunt super premissis deliberare et consilium Consilium Domini Regis.....Datus est dies.....etc.

m.5. Prioress of Littlemore

Fiat supplicationem Domino Regi.

m.6. Theobald de Bellos and Sybil his wife

Loquendum est cum Rege.

m.6. Roger Bygod, earl of Norfolk.

Loquendum est cum Rege.

A.R.1014Plaintiff

- m.1. Abbot of Cerne De billa predicti Abbatis nichil potest nisi per viam supplicationis domino Regi faciente,
- m.4. Burgesses of Ilchester Et quia predicti Justiciarii volunt super premissis deliberare et eciam consulere consilium domini Regis.....etc.
- m.4. Johanna de Ulewelle Postea concordatum est per Justiciarios quod ista querela denunciatur domino Regi. Et quod ipse ulterius faciat ...etc. Loquendum cum Rege.
- m.4. John de Hardynton Predicta querela non potest terminari (obliterated and mutilated).
- m.5. John of Newburgh Et quia predicti auditores ulterius in premissis domino Rege inconsulto procedere noluerunt datus fuit dies eidem Johanni.....coram Rege ubicunque.....etc.
- m.5d. Roger de Bokland Postea apud Westmonasteriumpredicta querela prius coram Domino Rege recitata consideratum est per Justiciariosetc.
- m.5d. Executors of Nicholas bishop of Winchester Loquendum cum Rege.
- m.11. Tenants of the King at Winchester Postea....apud Westmonasterium predicta querela coram domino Rege prius recitata de consensu eiusdem domini Regis consideratum est per Justiciarios etc.
- m.11. William of Richard de Burely Loquendum est cum Rege.
- m.6. John son of John de Lisle Loquendum est cum Rege. Postea predicta querela coram Domino Rege.....exposita concordatum fuit etc.....

A.R.1014Plaintiff

- m.6d. Thomas de Combe Et quia Justiciarii nolunt domino Rege inconsulto ad iudicium procedere ...Datus est dies.....etc.
- m.7. Poor tenants of Henry Auger Loquendum cum Rege pro dampnis.
- m.7. William of Minstead and Margaret Budesthorn Executio...istius iudicii ponitur in respectum quousque consultum fuit cum domino Rege. Postea, predicta querela exposita fuit coram domino Rege....etc.
- m.7d. Men of Elye Baldet Loquendum cum Rege (pro dampnis).
- m.7d. Alan Plukenet de Elynges Loquendum cum Rege (pro dampnis).
- m.8d. Alice, wife of John of Grinstead Executio predicti iudicii ponitur in respectum quousque consultum(mutilated).
- m.9. Alesia, wife of Robert Follet Item ad sextam querelam de manumissione villanorum ponitur in respectum ad consulendum consilium domini Regis.
- m.9d. John Trenchard Concordatum fuit per Iusticiarios quod non reddatur iudicium super premissis quousque consultum fuit cum Domino Rege. Loquendum cum Rege.
- m.11. Tenants of the King at Swainston Executio istius iudicii ponatur in respectum quousque fuerunt cum Domino Rege (sic). Loquendum est cum Rege.
- m.11. William of Budesthorne Pro dampnis, Loquendum est cum Rege.

A P P E N D I X VI.

PAYMENTS OF 'EMENDE' BY THE QUEEN'S EXECUTORS.

Michaelmas term, 1291

William de Brettone, rector
of the church of Burgh

For tithes withheld

70s.

Hilary term, 1292

Iterius of Newcastle

For a sum in which
the queen was bound
to him

10 marks
£20

Hospital of Roncevalles

For damages adjudged
by the commissioners

20s.
£14.2s.0d.

Adam of Northampton

For all claims that he
has against the queen

100s. 0d.

Robert de Crevequer

do.

25 marks.

Thomas of Barshale and
Millicent his wife

For damages adjudged
by the commissioners

19s. 10d.
£20

John of Hardington

For all claims that he
has against the queen

£40

William of Minstead

For damages adjudged
by the commissioners

10s.
£10

Walter of Chidecroft

do. against the queen

£10 marks.

Roger de Caumville

do. sum in which the
queen is bound to the

10 marks.

John of Faversham

do. debtors of Walter of
Kent

5 marks.
£54.6s.8d.

Tenants of Abbot of
Beaulieu St. Clare

do. damages adjudged by
commissioners

20s.
10s.

Frater William de
Stantone

do.

61s. 10d.

(xxx1)

(xxxx)

Robert Ayllard	For all claims against the queen	6s.
Theobald de Belhus and Sybil his wife	do.	8 marks.
John Morel	For damages adjudged Before the commissioners	8s.
Richard But and others	In compensation for a rent	£10
Thomas le Botyller	For the same	60s.
Richard de Burely	For the same	£20
Master Alexander de Balliolo and Isabella his wife	For damages adjudged by the commissioners	10 marks
Master Philip Papiot	For the detention of chattels	20s.
Thomas Wylecocke and Richard But	For damages adjudged by the commissioners	£4.5s.0d.
Richard But and William Noel	do.	34s.
Henry Motestane and William de Horrebure	do.	19s.10d.
<u>Easter term, 1292.</u>		
Abbot of Cleeve	For arrears of tithes	16s.
Alice wife of Henry of Newburgh	For all claims that she has against the queen	10 marks.
John de Ponte	For sums in which the queen is bound to the executors of Walter of Kent	£54.6s.8d.
Robert of St. Clare	For damages adjudged by commissioners	110s.

The men of Ilchester	For damages adjudged by the commissioners	£22
Felicia, wife of Thomas de Crevequer	do.	36s.
Alice, the wife of Robert Follet	do.	£6
John de Ponte	For moneys and chattels which belonged to Walter of Kent which came to the use of the queen	40 marks
<u>Michaelmas term, 1292.</u>		
Abbot of Peterborough	For damages adjudged by the commissioners	£54.8s.9d.
John of Newburgh	For the issues of Wynfrith Newburgh by the gift of the executors	10 marks. £8
John de Fallynge and tenants of Cawston	For wrongful exactions	50s. 5 marks.
Ralph of Stamford and Master Hugh Tripaty	In part payment of 1,000 marks taken for the queen by her bailiffs	100s. £200
Executors of will of Walter of Kent	In part payment of sums in which she is bound to them	£10
Master Robert of Woodstock	In payment of a debt	10 marks. £40
<u>Hilary term, 1293.</u>		
None		
<u>Easter term, 1293.</u>		
Prioress of Amesbury	For arrears of rent	£20ks, 12 pence.
John de Mandeville	For the withholding of services, etc.	£40.10s.11

Johanna, wife of Robert de Caumville	In part payment for wrongful exactions	£10
Roger de Caumville	Arrears of annual rent	8½ marks.
Prioress of Amesbury	For arrears adjudged to her by the commissioners	£11.11s.7d.
Theobald de Belhus and Sybil his wife	By grace of the executors for certain land which they had sought before the commissioners	53s.7d.

Trinity term, 1293

John de Ponte	For sums in which the queen is bound to the executors of Walter of Kent	10 marks.
Prior and Convent of Blessed Mary at Southwark	For arrears of rent.	50s.
John de Ponte	In part payment of moneys owed by the queen to Walter of Kent	100s.

Michaelmas term, 1293

Gilbert, rector of the church of Tothill	For damages adjudged to him by the commissioners	10 marks.
Bro. Robert, Prior of Kenilworth	do.	40s.
Roger de Caumville	For a quit claim	20 marks.
Roger de Caumville	For arrears of rent	½ mark.
Gunnora, wife of Eustace Fucher	For damages adjudged to her by the commissioners	20 marks, 14 pence.
John de la Launde	do.	£16.13s.4d.

Alice de Tynten	For damages adjudged to her by the commissioners	£24
Henry de Urtiaco, Knight	do.	£11
Johanna, wife of Robert de Caumvile	For damages	£32
Christiana of Enfield	For all claims that she has against the queen	20 marks.

Hilary term, 1294

Ralph of Stamford and Hugh Tripaty	For sums recovered by the commissioners	£126.13s.4
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un caset euidam Philippo de Benneys desponsata. Et quia predicta Alianora hoc favere renuit predicta Regina in de causa versus Ricardum de Swelle patrem predictae Alianore nota fecit seysire omnes terras eiusdem Ricardi et omnia alia bona eiusdem Ricardi vendere. Ita quod idem Ricardus nunquam pacem habere potuit quousque concesserit eidem Regine manerium suum de Farnham et ipsam inde seysierit unde predictus Ricardus filius eius qui nunc est exheredatus est ut dicat. Unde petit remedium.

Et Hugo de Gressingham qui sequitur pro Rege venit et dicit quod predictus Ricardus de Swelle pater istius Ricardi per cartam suam feoffavit prefatam Reginem de predicto manerio pura et spontanea voluntate sua absque coercione aliqua et postmodum de mera voluntate predicti Ricardi patris istius Ricardi finis in curia domini Regis inter ipsam

A P P E N D I X VII.

SPECIMEN CASES

A.R. 542. m.l.

(Essex) Ricardus de Ewelle queritur quod cum domina Alianora nuper Regina Anglie consors domini Regis nunc quamdam Alianoram sororem predicti Ricardi apud Wyndelsorem venire fecisset ut esset cuidam Philippo de Benneys desponsata. Et quia predicta Alianora hoc facere renuit predicta Regina ea de causa versus Ricardum de Ewelle patrem predictae Alianore mota fecit seysire omnes terras eiusdem Ricardi et omnia alia bona eiusdem Ricardi vendere. Ita quod idem Ricardus nunquam pacem habere potuit quousque concesserit eidem Regine manerium suum de Farnham et ipsam inde seysierit unde predictus Ricardus filius eius qui nunc est exheredatus est ut dicit. Unde petit remedium.

A.R. 542. m.l.

Et Hugo de Cressingham qui sequitur pro Rege venit et (Essex) Ricardus de Ewelle queritur quod cum terra et dicit quod predictus Ricardus de Ewelle pater istius Ricardi tenementa que fuerunt Johannis de Ewelle fratris predicti per cartam suam feoffavit prefatam Reginam de predicto Ricardi cuius heres ipse est in ultimo itinere Essexie manerio pura et spontanea voluntate sua absque coercione ratione stulticie predicti Johannis in manu domini Regis aliqua et postmodum de mera voluntate predicti Ricardi capta fuissent que quidam tenementa Domina Regina habuit ex patris istius Ricardi finis in curia domini Regis inter ipsum concessione domini Regis quia diu prefatus stultus vixisset

(sic)

qui iam duodecim annis elapsis diem clausit extremum: et idem Ricardus prefatam Reginam (xliv) qua sepius humiliter rogaret

Ricardum et prefatam Reginam levavit de predicto manerio unde predictus Hugo de Cressingham petit iudicium pro domino Rege ex quo predictus ^(sic.) finis levavit sicut predictum est inter ipsum Ricardum et prefatam Reginam qui non levatur per coercionem immo per meram voluntatem ipsius recognoscentis si predicto Ricardo de Ewelle filio contra facta patris sui videlicet cartam et finem debeat responderi.

Et predictus Ricardus de Ewelle venit et bene cognovit predicta facta patris sui sed dicit quod illa fecit per coercionem predictae Regine sicut superius dictum est in querela et hoc petit verificari per patriam. Ideo preceptum est vicecomiti quod venire faciat hic die Lune proxima ante media quadragesime xij etc: per quos etc: Et qui nec etc: ad recognoscendum quia predictus Ricardus posuit se etc: Postea predictus Ricardus de Ewelle obiit pendente placito. Ideo nichil actum est.

A.R. 542. m.l.d.

(Essex) Ricardus de Ispannia queritur quod cum terre et tenementa que fuerunt Johannis de Ispannia fratris predicti Ricardi cuius heres ipse est in ultimo Itinere Essexie ratione stulticie predicti Johannis in manu domini Regis capta fuissent que quidam tenementa Domina Regina habuit ex concessione domini Regis quam diu prefatus stultus vixisset qui iam duobus annis elapsis diem clausit extremum: ac idem Ricardus prefatam Reginam hucusque sepius humiliter rogasset

quod eadem terras et tenementa que fuerunt predicti
Johannis fratris sui ut heredi sibi liberasset quod ei
facere hactenus recusavit. Unde petit remedium etc:

Et Hugo de Cressingham qui sequitur pro Rege venit
predictus Ricardus hic non debet recuperare predicta tenementa quia dicit quod
et dicit quod si predicta domina Regina fuisset in plena
vita et peteret ab ipsa predicta tenementa non teneretur
inde predicto Ricardo sine domino Rege respondere, ex cuius
concessione habuit predicta tenementa. Et quia predictus
Ricardus hoc non potuit dedicere, ideo consideratum est
quod nichil capiat per querelam suam sed sit inde sine die.
Et perquirat sibi versus dominum Regem in cuius seysinam
predicta tenementa nunc resident secundum quod viderit
expedire.

A.R. 542. m.3.

(Kent) Willelmus de Detlyngge queritur quod cum ipse
que quidam Regine per prefatam dissensionem quam diu vixit
quoddam manerium quod vocatur Roule in comitatu Staffordie
predictum manerium tenuit ultra etatem predicti Walteri et
domine Regine demisisset pro quo manerio idem Willelmus quatuor
viginti et decem librarum et unum Palefridum de precio decem
marcarum potuit habuisse sed quia prefata Regina predictum
manerium multum desideravit et sibi bene promisit quod ipsum
promoveret vel aliquem de suis predictum manerium ei demisit,
de qua promissione nunquam habuit nisi triginta ^{as}marcarum,
nec pro predicto manerio habere potuit. Et quod ita sit ponit

se super Hugone de Cressingham tunc senescallo predictæ domine Regine. Unde petit remedium etc: Et Responsum est predicto Willelmo quod sine domino Rege nichil potest fieri etc.

A.R. 542. m.3d.

(Kent) Isabella filia Walteri de Wylburham defuncti queritur et petit hereditatem suam sibi restitui de qua Walterus frater suus filius Walteri de Wylburham predicti obiit seysitus in dominico suo ut de feodo videlicet de manerio de Terstan cum pertinenciis et in quam prefata Regina non habuit ingressum nisi per Rogerum Loveday qui Aliciam matrem predictæ Isabelle desponsaverat. Et qui predictum manerium prefate Regine usque ad legitimam etatem predicti Walteri fratris sui cuius heres ipsa est dimisit. que quidem Regina per prefatam dimissionem quam diu vixit predictum manerium tenuit ultra etatem predicti Walteri et contra forma dimissionis predictæ et adhuc est in manu domini Regis per mortem prefate Regine iniuste et in periculum anime eiusdem Regine et ad exheredacionem predictæ Isabelle et ad dampnum suum centum libros unde petit remedium etc. Et Hugo de Cressingham dicit pro Rege quod ad huc est in plena vita quidem Johannes le Clerke qui est heres propinquior predicti Walteri fratris predictæ Isabelle sicut potest verificari per patriam Cantebrigien~~sis~~. Et petit iudicium

si vivente predicto Johanne qui est heres propinquior predicti Walteri sicut predictum est si predicte Isabelle debeat responderi.

Et predicta Isabella dicit quod de predicto Johanne nunquam aliquid audivit loqui ante nunc sed quod ipsa propinquior heres predicti Walteri sit petit quod inquiratur per visum^{actum} de Terstan. Et quia iusticiarii voluerunt super premissis certiorari concordatum est quod fiat inde inquisicio tam de comitatu Cantebrigie quam Kancie. Ideo preceptum est vicecomiti Kancie quod venire faciat hic die Veneris proxima post Annunciationem domini xii etc. per quos etc. Et qui nec etc. ad recognoscendum etc. Et quo ad inquisitionem super premissis per duodecim tam milites etc. de comitatu Cantebrigie de visneto de Wylburham capiendam. Datus est dies predictae Isabelle apud Sanctum Edmundum a die Pasche in quindecim dies. Et ideo preceptum est vicecomiti Cantebrigie quod venire faciat ibidem ad eundem diem coram predictis iusticiariis xii etc. per quos etc. Et qui predictam Isabellam etc. ad recognoscendum etc. quia predicta Isabella etc.

Postea in crastino Octabis Sancti Martini apud Westmonasterium venit predicta Isabella et similiter xxiv iurati xii de comitatu Cantebrigie et xii de comitatu Kancie. Et etiam Hugo de Cressingham qui sequitur pro Rege . Et dicit quod non est necesse procedere ad captionem inquisitionis super premissis quia dicit quod predictus Walterus de Wylburham

nichil habuit in predictis tenementis nisi ratione Alicie
uxor sue que eadem tenementa habuit et tenuit tanquam
Dotem suam de Hamone de Crevquer primo viro suo. Dicit
eciam quod post mortem eiusdem Alicie Robertus de Crevquer
heres predicti Hamone intravit predicta tenementa et
de seysina sua feoffavit de predictis tenementis dominam
Reginam. Et ita dicit quod predicta Regina in nullo deliquit.
Et predicta Isabella dicit quod verum est quod aliquo tempore
predicta Alicia tenuit predicta tenementa in Dotem sed dicit
quod predictus Walterus de Wylburham et Alicia predicta uxor
eius mater predictae Isabelle reddiderunt predicto Roberto de
Crevquer predictam Dotam et super hoc finem levavit in Curia
domini Regis inter partes predictas. Et postea predictus
Robertus de Crevquer cum habuisset seysinam predictorum
tenementorum per quadraginta dies et amplius reoffavit de
eisdem tenementis predictum Walterum de Wylburham sibi et
heredibus suis et assignatis unde dicit quod post illud
feoffamentum predictus Robertus de Crevquer nunquam predicta
tenementa intravit nec in eisdem tenementis statum habuit
ita quod dominam Reginam vel aliquem alium feoffasse potuit.
Et quod ita sit petit quod inquiratur per predictos iuratos.
Et predictus Hugo de Cressingham dicit quod per predictos
iuratos predicta inquisicio~~nis~~ fieri non debet quia dicit
quod ob aliam causam venerunt et ad hoc non fuerunt summoniti.
Et ideo dictum est predictae Isabelle per iusticiarios quod
sequatur brevem de novo si sibi videbitur expedire.

A.R. 542. m.7d. (see also A.R. 1014. m.1.)

(Dorset) Abbas et conventus de Cerne queruntur quod cum feoffassent dominam Reginam de villa et portu de Melcombe que valuerunt per annum predictis Abbati et conventui centum solidos pro quibus villa et portu predicta domina Regina promisit eisdem quod de valore dictorum ville et portus eis satisfaceret competenter sed hucusque nichil actum est in premissis unde petunt remedium etc:

Et quia videbatur Iusticiariis quod ista petitio dependet de mera gratia Domini Regis et coexecutorum suorum Ideo consultum est eis quod sequantur erga dictum Dominum Regem et coexecutores in negotio antedicto et de hac promissione ostensa est littera Domine Regine sub tenore qui sequitur. Alianora Regina Anglie Domina Hybernice et Ducissa Acquietanie Religioso viro Abbati de Cerne et eiusdem loci conventui salutem in domino. Super eo quod misistis ad nos commonachum et confratrem vestrum latorem presencium cum libro sicut petivimus vobis referimus multas grates alias ad oportunitates vestras eo libencius properate quo promptis studiis ^{nostris} ~~vestris~~ beneplacitis vos obtemperare ^{curatis (?)} curabimus. Negocia antedicta vestra sunt nobis cordi. Et super illis a dicto viro commonacho quasdem petitiones quas ab eo fieri fecimus admisimus quas quidem quam primum commode poterimus iuxta formam petitam vel aliam vobis utilem curabimus promovere. Valete. Datum Exon¹ primo die Januarii sub sigillo nostro privato. Postea dictum est predicto Abbati quod nichil

potest fieri de predicta querela nisi per viam supplicationis domino Regi faciende.

A.R. 542. m.9.

(Northampton) Abbas de Thorneye queritur quod cum Johannes de Cameys dum fuit Dominus de Torpel vendidit predicto Abbati Boscum de in parco de Torpel pro quinquaginta ^{marcis} ~~marcarum~~ quas predicto Johanni solvit^{et} antequam predictus Abbas predictu^m Boscum prostrare fecisset predictus Johannes feoffavit dominam Reginam integre de predicto manerio de Torpel sub tali condicione quod prefata Regina permetteret predictum Abbatem boscum suum habere vel quod alibi satisfeceret eidem Abbati unde ad sectam predictam dicti Abbatis prefata Regina concessit pro dicto Johanne de Cameys satisfacere eidem Abbati pro dicto bosco. Idem Abbas sepius secutus fuit predictam Reginam ad allocationem predicti bosci habendam sed nunquam aliquid inde habere potuit. Unde petit remedium.

Et quia Iusticiarii ad inquisitionem super premissis noluerunt procedere domino Rege inconsulto precipue cum dictus Abbas nichil ostendit pro se quod domina Regina promisit ei satisfacere pro predicto bosco, nisi quod hoc vult verificare omni modo quo curia ista considerabit. Ideo loquendum est cum Rege. Et datus est dies predicto Abbati in adventu ipsius Domini Regis apud Westmonasterium. (Marginal note: Loquendum est cum Rege).

A.R. 836. m.4.

(Norfolk) Petrus Beles de Skeketone queritur de Roberto de la Stane quod iniuste detinet et deforciat ei libertatem suam ita quod non potest habere communam in Bosco de Swantone nec ramos siccos sicuti debet quia predictus Robertus de la Stane abstulit predicto Petro totam predictam libertatem et dedit illam Johanni de Skeketone et heredibus suis ad dampnum dicti Petri centum solidos. Unde petit remedium etc:

Postea predictus Petrus Beles retraxit se de querela sua predicta. Ideo in misericordia. Et predictus Robertus de la Stane inde sine die. Postea misericordia condonatur quia pauper etc.

A.R. 836. m.5.

(Cambridgeshire). Priorissa de Littlemore et eiusdem loci conventus queruntur quod cum dominus Hubertus de Burgo quondam concessit et carta sua confirmavit predictae Priorisse et monialibus predictae domus ibidem deo serv^{ia}antibus omnimoda amerciamenta hominum predictae Priorisse de Badeweye infra libertatem de Seham licet pro qualicumque causa in curia de Seham amerciati fuissent Ballivi tunc Regine de Seham amerciamenta huiusmodi de hominibus predictae Priorisse capienda a tempore quo manerium de Saham ad manus prefate Regine devenit eisdem Priorisse et conventui iniuste detinuerunt ad dampnum

predictarum monialium decem librarum unde petunt remedium.

Et quia nichil allegatum est quare Iusticiarii ad inquisitionem super premissis capiendam procedere non debuerunt. Ideo ceperunt inde inquisitionem per xij Iuratos videlicet (names given) Qui dicunt super sacramentum suum quod predicta Priorissa fuit in seysina de amerciamento hominum suorum tempore Rogeri de Sammford qui eam feoffavit de predictis tenementis et tempore Huberti de Burgo^{U' omnium dominorum de B.} usque ad tempore^{us} Johannis de Burgo preter ad duos dies visi franci plegii qui suo tempore predicta amerciamenta subtraxit qui postmodum dimisit tenementum suum Philippo Basset qui suo tempore predicta amerciamenta subtraxit. Et post mortem predicti Philippi predicta tenementapredicto Johanni de Sannford (sic) qui ut prius subtraxit etc. Et idem Johannes postmodum de predictis tenementis feoffavit dominam Reginam que ea amerciamenta retinuit eo quod invenit ~~tenementum~~^{tenementum} de illis amerciamentis seysitum. Et eo modo tenet ea Dominus Rex nunc. Et datus est dies predictae Priorisse in quindena sancti michelis apud Westmonasterium iudicium suum audiendum etc. Ad quem diem venit predicta Priorissa et petit iudicium suum. Unde predicti Auditores pro iudicio pronunciarunt quod predicta Priorissa nichil capiat per querelam istam^{hic} quia predicta iniuria per dominam Reginam nec Ballivos suos fuit^{incepta} prout superius compertum est. Sed quia predicta Priorissa de predictis amerciamentis aliquo tempore fuit seysita, ita quod predictum manerium de Saham quod est in

manu domini Regis per mortem prefate Regine ad huc remanet oneratum de predictis amerciamentis versus predictam Priorissam. Ideo fiat supplicationem Domino Regi.

A.R. 1014. m.1.

(Wiltshire) Willelmus episcopus ^{Sarisburyensis} ~~Sarientis~~ queritur per Adam de Stoke Ballivum suum quod cum decenarius et decenna de Fyfyhyde debebant facere sectam de tribus septimanis in tres septimanas ad hundredum suum de Rougeberhe et ibidem presentare que ad hundredum pertinent et post mortem domine Matilde Walrand devenit manerium de Lavyntone ad manus Domine Regine, Humfridus de Waleden, Ballivus eiusdem Regine qui habuit custodiam predictis decenarii et decenane (sic) inhibuit ne sectam predictam facerent ad hundredum predictum nisi bis in Anno per quam inhibicionem subtracta est dicta secta ad grave dampnum etc. Et Humfridus venit et dicit quod quum cepit saysinam primo in dicto manerio ad opus domine Regine fecit inquisitionem per homines de manerio que servicia inde debebantur per quam invenit quod homines eiusdem ville debent sectam bis in anno ad hundredum predictum. Et dicunt^{it} quod predictus Episcopus nunquam impeditus fuit per ipsum de aliqua secta debita ad dictum hundredum sed si aliqua subtractio facta fuit hac fuit per homines predictae ville et non per ipsum et hoc petit quod inquiretur per patriam. Et Ballivus predicti Episcopi similiter. Et ideo facta est inquisicio per xij Iuratos qui dicunt super sacramentum suum

Samburienis
quod Episcopus predictus ~~Sariensis~~ saysitus fuit de predicta
secta de tribus septimanis in tres septimanas ad dictum
hundredum quousque dictum manerium devenit ad manus domine
Regine sed bene dicunt quod subtractio facta fuit per homines
predicte ville et non per predictum Humfridum. Et quia
compertum est quod predictus Episcopus ^{nullum} ~~non~~ fecit attornatum
ad prosenquendam dictam loquelam nec etiam personaliter se
optulit consideratum est quod ^{predictus Humfridus inde est sine die et} predictus episcopus resuscitet
querelam suam si sibi videbitur expedire. Et Adam Vallivus quia
se optulit attornatum Episcopi unde non fuit attornatus Ideo
in misericordia.

A.R. 1014. m.7

(Hampshire) Pauperes tenentes Henrici Auger de Biketon
queruntur quod cum Johannes de Godeshulle forestarius feodi
de Nova Foresta vicinus eorum et amicus specialis solebat
eis pluries facere curialitates diversas et ipsi vicem
rependere volentes dum vixit ~~lurarent~~ eum ex gratia speciali
de Arura et Bladis suis metendis in Autumpno, Johannes de
Lovetot venit ad partes illas et fecit extendere aruram illam
et messionem ad certum redditum eo quod Ballivam Foreste dicti
Johannis seysita fuerat in manus domine Regine ac si dicta opera
fuissent debita dicto Johanni tempore quo vixit et habuit
Ballivam in manu sua et hoc iniuste maxima cum dicti tenentes

nichil tenuerunt de predicto Johanne. Et super hoc petunt remedium et quod inquiratur.

Et H. de Cressingham dixit quod dicta opera ut audivit pertinent ad Ballivam dicti Forestarii que *quidem* Balliva modo est in manu domine Regine et *hec* posset esse ratio quare dictus Johannes dicta opera extendere fecerat. Et predicti tenentes dicerunt quod non et quod ex gratia fecerunt illa opera et non ex debito. Et petunt quod de hoc inquiratur. Unde capta est inquisicio per duodecim Iuratos qui dicunt super sacramentum suum quod dicti homines de Bikketon consu-
everunt *aliquando(?)* arare terram et metere Blada Forestarii de feodo, et hoc ex gratia et non ex debito. Et post modum venit Walterus de Cancia et levare fecit pecuniam de dictis operibus videlicet pro arura duodecim denarios et pro bladis metendis *xxijj* denarios. Et Johannes de Lovetot, approbens factum dicti Walteri illam gratiam posuit in extenta manerii ac si esset certus redditus. Dicunt eciam quod predicti homines nichil tenuerunt de dicto Johanne de Godeshulle. Unde datus est dies apud Westmonasterium a die Purificationis in quinque septimanas ad recipiendum etc. Et dicunt quod huiusmodi dampna sustinuerunt per duodecim Annos et sic erit summa dampnorum per dictum tempus *xxxvs.vjd.* Et datus est dies. Postea apud Londinium a die sancti michelis in tres septimanas consideratum est per Iusticiarios quod predicti tenentes de cetero sint quieti a prestacionem predictorum servicium et denariorum pro predictis serviciis

solvendis. Et quod habeant eundem statum qualem habuerunt ante adventum Walteri de Kancia et antequam per extentam suam onerati fuerunt sicut predictum est. Et quod recuperent dampna sua predicta.

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